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A BALANCE OF FORCES

Prepared by

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A Report of

The International Association of Chiefs of Police

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FOREWORD

The authority to use deadly force is the most critical responsibility that will ever be placed on a police officer. No other single official has the right and the immediate means to lawfully take another's life. The responsibility of the police administrator, the jurisdiction, and the state, to control the police officer's authority is likewise awesome.

The consequences of a decision to use deadly force are not reversible after the fact; they are final. No court of competent jurisdiction or administrative tribunal can ever reverse the decision. In a like manner, a decision not to use deadly force can also mean finality. A hesitation or conscious decision on the part of the police officer could very well result in the death of the officer or another person the officer is sworn to safeguard. These are decisions unlike any other which are required by our society.

The police administrator must promulgate use of deadly force policy that will provide sufficient protection to his officers, provide officers with guidance, yet allow for just the correct level of discretion, provide all citizens with an assurance of safety, and provide all persons with the guarantees granted to them by the Constitution of the United States. The development of such a policy must be undertaken, but only after extensive research.

The purpose of this study is to provide the police administrator with sufficient research to identify the factors surrounding the use of deadly force in law enforcement, determine how these factors interrelate, and develop "model" policy guidelines and procedural techniques which could possibly lead to a reduction of citizen and police officer deaths. The study does not attempt to restrict police officers from protecting themselves and the lives of others. The study primarily addresses those justifiable homicides that may be prevented through the adoption of new policy, training, equipment, and techniques.

It is my sincere hope that this report will in some way contribute to our abilities to protect our police officers and the citizens they serve.

Norman Darwick

Norman Darwick
Executive Director
International Association of
Chiefs of Police

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This report is the culmination of many hours of research by the International Association of Chiefs of Police. While only one name appears on the title page, many have contributed to its completion.

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I wish to extend a heartfelt thanks to the 53 police chiefs and their staffs for responding to our arduous survey instrument. Their responses served as the basis for this report. The massive amounts of statistical data which they furnished should serve as source material for years to come. I wish to express sincere gratitude for their openness in supplying us with some of the most critical police policy they will ever have to promulgate. Their responsiveness is only a small indication of their dedication to the professional improvement of the police service.

I wish to thank FBI Director William H. Webster for permitting me access to the Uniform Crime Records. Paul Zolbe, Chief, Uniform Crime Reporting Program, and his assistant, Ken Candell, were most helpful and patient with me throughout the project. Without their untiring patience and diligence in supplying me with statistical data and answering my telephone inquiries, this project would not have been completed.

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PREFACE

A Balance of Forces is a research report of the circumstances surrounding "justifiable homicides" by the police in 57 United States cities during the period 1970-1979. "Justifiable homicide" has been defined by the FBI in Crime in the United States 1979 as "the killings of felons by law enforcement officers in the line of duty." The study deals with one of the most controversial and complex issues of our society—the use of deadly force by the police. The individual police officers are at the heart of this complexity, attempting to balance constitutional, political, legal, ethical, and social forces. The competing forces include: the rights of the police to protect their lives; their duty to protect the lives of third parties; the legislated responsibility to suppress community violence, to reduce crime, and to provide for the security of all people by means which are both reasonable and necessary. These police rights, duties, and powers must be balanced with the constitutional right of individual liberty; the right of every citizen to be protected by the police; the constitutional right of every citizen to be presumed innocent of crime until proven otherwise by a jury of peers in a court of competent jurisdiction. This attempt to balance rights is further complicated by other competing forces such as differing judicial rulings and legal opinions, community group pressures, executive policy and opinion, and most assuredly by individual officer perceptions, fears, education, training, and value systems.

The current attention devoted to the issue of police use of deadly force is not a recent phenomenon; it has existed since the early beginnings of policing in this country, when New York City police officers began arming themselves in 1858. The International Association of Chiefs of Police gave serious consideration to the issue in the early 1940s.[1] Since those early beginnings, we have not suffered from underexposure to literature, legal reviews, government studies, and a multitude of other writings which never leave the truly concerned far from an abundance of answers. Previous research is voluminous and its review is unending. A valuable report was released and reviewed just as this publication was being prepared for final review.[2]

The problem has indeed not been a lack of research but rather a lack of continuity, a lack of standard definition and a multitude of perceived problems, and an absence of sound baseline data. Regardless of the inadequacies in previous research, much of the existing body of knowledge has been of tremendous assistance to us throughout our project but especially so during the initial design stages. The literature reviews provided us with an understanding of differences in methodology, data sources, definition, and perceived conclusions. The conclusions are not always the same because of the methodological and data source differences. We have come to understand that when previous research concluded that: "Police homicide is substantially under reported, possibly by around 50 percent"[3] this conclusion may be correct but only because of the choice of data source (National Health statistics). We would also point out that the term "police," as simple as it may sound, is very complex in its definition from city to city. For example, in Chicago a ratio of police to population is more inclusive than the same statement of ratio in New York because in New York there are three major "police agencies": New York City Police Department, New York City Transit Authority Police, and New York City Housing Authority Police. Therefore, when one reads statistics of police ratio to population, crime, and a number of other categories, one must be cognizant of these differences.

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[1] IACP, The Police Yearbook (Gaithersburg, Md.: International Association of Chiefs of Police, 1940). "The use of firearms by the police is without question a very serious matter and should be resorted to only in cases of grave emergency. To shoot is without doubt one of the most serious decisions a police officer can be called upon to make, and, once made, the officer must be prepared to stand by his decision."

[2] William A. Geller and Kevin J. Karales, Split Second Decisions: Shootings of and by Chicago Police (Chicago, Ill.: Chicago Law Enforcement Study Group, June 1981).

[3] Lawrence Sherman and Robert Langworthy, "Measuring Homicide by Police Officers," Journal of Criminal Law and Criminology, 546 (1979). "It is the police that have provided the largest figures on the number of citizens killed by police. The source of the undercounting is not the police, but rather the local medico-legal officers and the national system of vital statistics."

Beyond this simple difference in two of our largest cities, one must also be aware of other "police" agencies such as: all federal law enforcement agencies, all private security "police," prison guards, university "police," Indian Nation "police," transit "police," port authority "police," airport "police," railroad "police," states attorney's "police," park "police," and the list goes on.

While our report is titled A Balance of Forces, others, speaking to the same issue, have chosen a variety of other titles.[4] Each of these works, however, treated the broad issue from preconceived understandings of the specific problem areas. Fyfe studied all shots fired (intentional, unintentional, accidental, warnings, directed at animals or persons); Geller and Karales looked only at shots which killed or injured a civilian or police officer; Margarita[5] concerned herself with line-of-duty killings of police; and Robin looked only at homicides. Others addressed their projects differently because of developed hypotheses, financial limitations, manpower limitations, and inability to obtain source data. This study treats only homicides committed by the police.

The report presents six rates (Tables 27-32) of justifiable homicide by the police for each of 54 cities. We caution the reader to be extremely careful in comparing the rates from one city to another. The reader should not look for simple explanations for the wide variations between cities—there are none. The causes lie within a combination of some of the 350 factors related to police administration, police operations, criminal activity, and community variables which were hypothesized as possibly affecting the rate of justifiable homicide committed by the police. The central issue of the study was 3,094 justifiable homicides committed by the police. Among the factors hypothesized as being correlated to these justifiable homicides were 85,204 murders ("the willful (nonnegligent) killing of one human being by another") and 2,500 justifiable homicides by private citizens ("the killing of felons by private citizens").

In light of the above discussion, when comparing results of one study to another or one city to another in any relationship, we urge the reader to be cognizant of the many variables which may impact on the findings.

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[4] James Fyfe, Shots Fired: An Examination of New York City Police Firearms Discharges (Ann Arbor, Mich.: University Microfilms International, 1978).

Geller and Karales, Split Second Decisions: Shootings of and by Chicago Police.

Catherine Milton, Jeanne Wahl Halleck, James Lardner, Gary L. Abrecht, Police Use of Deadly Force (Washington, D.C.: The Police Foundation, 1977).

Sherman and Langworthy, "Measuring Homicide by Police Officers."

Gerald D. Robin, "Justifiable Homicide by Police Officers," Journal of Criminal Law, Criminology and Police Science, (May/June 1963).

Board of Police Commissioners of Los Angeles, The Report of the Board of Police Commissioners Concerning the Shooting of Eulia Love and the Use of Deadly Force, Parts I-IV (Los Angeles: Board of Police Commissioners, 1979-1980).

[5] Mona Margarita, "Killing the Police: Myths and Motives." 452 Annals of American Academy of Political and Social Science, 63 (November 1980).

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I

INTRODUCTION AND MAJOR FINDINGS

In 1858, a New York City police officer used his personal weapon to shoot a fleeing suspect. The case was presented to the Grand Jury, which declined to indict the officer. Subsequently, other New York officers began arming themselves. Officers of the Boston Police Department followed the practice after a similar incident in that city. The practice spread, and by the early 1900s cities commonly issued revolvers to their police officers.

The police have historically been granted the authority and even directed to bring to justice violators of the law using that amount of force that is "necessary." The combined authority, to be armed with a deadly weapon and use necessary force to apprehend suspected criminals, has created a severe dilemma for police officers, police administrators, and the community at large.

The Deadly Force Dilemma

The issue of the use of deadly force is perceived by many police practitioners as an ever-present dilemma. Police are given the power, authority, and indeed the duty by the community to use the force necessary to maintain social order and uphold the law. This responsibility is extremely broad and while each officer is provided specific training in dealing with the use of force (including weapon handling), the actual decision to resort to deadly force must be made according to each individual's judgment within a framework of departmental rules and statutory law.

We found these rules and laws to vary significantly from department to department and state to state. For example, we found that the courts nationwide have been unable to establish a standard of law regarding police use of deadly force. The courts have also disagreed on the appropriateness of using departmental policy as evidence of an officer's accountability in a shooting incident. Thus, although we found a clear consciousness among our municipal police executives that written policy governing police use of deadly force is necessary, we also found their written policy to be less than comprehensive in that most policy did not include every critical component necessary to the inclusion of a complete guide to use of deadly force. Regarding law, those states which adhere to the common law fleeing felon rule for the use of deadly force appear to exhibit the highest rate of justifiable homicide.

The legal and policy considerations which have not been resolved by our legislatures and administrators leave the street police officer in a precarious decisionmaking position with a difficult set of interests to balance, particularly when one considers that shooting situations may escalate rapidly and without warning.

Tests of the officer's judgment to use deadly force are made relatively often; for example, in a series of routine traffic stops. In these typical cases, the officer must make the "deadly force decision" quickly when a generalized unknown danger may be anticipated, keeping in mind his own safety, the protection of innocent bystanders, and the rights of the individual accused. In other less common cases, such as the apparently irrational ambush, the officer may have to decide to resort to his or her weapon without the advantage of anticipation, or time to plan available alternatives to deadly force.

We did find that in many instances the administration can effectively reduce the justifiable homicide rate with the introduction of management controls of stake-out units, weapon caliber, crisis intervention training, SWAT unit training, and general firearms training. We also found that management could probably reduce the justifiable homicide rates by increasing the ratio of on-street supervisors to on-street officers.

The issues of when and whether or not to shoot and post-shooting psychological trauma are probably the greatest and most continuous producers of police officer stress. Unlike most other decisions that a police officer makes, the decision to use deadly force against an individual cannot be reversed at a later date. Yet this same decision is also second-guessed, critiqued, reviewed, and criticized more than any other decision. This stressful review has resulted in early retirement, mental disability, passive law enforcement, and sheer grief on the part of numerous police officers.[1]

The decision to use deadly force is rare to nonexistent in the career of most police officers. This decision, however, is a very complex, multi-faceted, and often an instantaneous process. There are four critical and complex elements to this process:[2]

1. Perception. The officer forms a "mental set" regarding the situation. This mental set is a product of several factors including:

    - Information received through police radio, roll call, lookout notices, conversations with other officers
    - The officer's senses of observing and hearing a scene
    - Information provided by interested citizens
    - The officer's professional knowledge and skills developed through training and intuition
    - Personal attitudinal bias with respect to a set of circumstances or individuals

2. Evaluation: The officer compares his perception of the situation against several other factors:

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[1] Eric Nielsen, Salt Lake City Police Department Deadly Force Policy - Shooting and Post-Shooting Reactions (Salt Lake City: Salt Lake City Police Dept., Dec. 1980).

[2] International Association of Chiefs of Police, "Deadly Force," Training Key #277 (1979).

- Departmental guidelines controlling the use of deadly force

- State law regarding deadly force

- Immediate risk of harm if deadly force is used as well as possible consequences if deadly force is not used

- The availability of alternative methods of coping with the situation

3. Decision: The actual commitment to use or not to use deadly force is based upon:

   - The totality of the officer's knowledge about the scenario

   - The limit and extent of his power

   - Risk involved

   - Available alternatives

4. Action: If deadly force is to be used, the officer must exercise the highest degree of care, proficiency, mental and physical calmness, and unflinching determination to achieve the immediate objective of stopping a life-threat.

Keep in mind that this very complex process may be completed in a matter of a few seconds. The consequences of the final action have grave legal, physical, and emotional implications that extend far beyond the moment of action for all parties involved.

For the officer, the action could result in:

1. Lifelong psychological trauma

2. Severe administrative sanctions

   - Suspension

   - Dismissal

3. Severe legal consequences
    - Criminal action in state court
    - Civil action in state court
    - Criminal action in federal court
    - Civil action in federal court
    - Even (in the case of an injured crime victim) civil action for failing to take advantage of his authority to use deadly force

For the officer's family, the action could result in:

1. Mental strain from "second guessing" the decision
2. Trauma from waiting for legal and administrative rulings
3. Threat of physical retribution

For the city and its constituted authorities, the action could result in:

1. Vicarious liability damage suits
2. Riots

For the victim, the action could result in:

1. The end of life
2. Serious injury

For the victim's family, the action could result in:

1. The loss of a loved one
2. The loss of a family provider

3. A drastic change in life-style

4. Hatred

The Problem

According to official uniform crime reporting sources,[3] in 1979 there were 21,456 citizens murdered by other citizens in the United States, and an additional reported 600-700 justifiably killed by police officers and civilians; 75,989 citizens were reportedly raped; 466,881 robbed; and 614,213 were victims of aggravated assault.

When we consider the totality of this problem and the shared tragedy of crime, and homicide in particular, it is easy to recognize the gravity of our shared mission: to reduce the potential of every citizen from becoming a victim of a violent crime.

This study only includes an analysis of killings by the police with little or no analysis of crimes committed by members of our violent society. Yet, every police officer is well aware of these violent crimes. Every police officer is also aware of the inherent danger in maintaining community order and safety and personal safety within this system of violence. The officer is responsible for maintaining a sensitive and delicate balance of the community desire for law and order and the means by which such order is obtained.

This balancing of needs may be seen as a satisfactory arrangement in that the exercise of discretion provides for the safety of the officer, the citizens, and the rights of the offender. At the same time, the force or controls applied must be only the amount "necessary" to achieve the purposes of the law--too little control impedes enforcement of the law, while too much control violates citizens' rights.

Several criminal justice research efforts have concluded that there is a lack of uniform standards governing police use of deadly force, and this uncontrolled use of force is the principal cause of community unrest, particularly among minority residents.[4] Other researchers[5] contend that the police have overestimated the crime problem, especially the danger to themselves in police-citizen encounters. The statistics, they contend, do not lend support to their perception of their own personal danger.

Some research seems to suggest that excessive force (not necessarily deadly) is accepted privately among the police themselves as long as they appear outwardly to be in compliance with the law. This same research reported that 37 percent of the instances of police use of excessive force upon citizens occurs in police-controlled settings (i.e., police car, police precinct stations) and that the police may, in fact, abuse their use of force upon private citizens.[6]

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[3] FBI, Crime in the United States 1979 (Washington, D.C.: U.S. Department of Justice, 1980).

[4] Department of Justice, News Release, April 28, 1980.

[5] Arthur L. Kobler, "Police Homicide in a Democracy " Journal of Social Issues (1975), p.164.

[6] Albert L. Reiss, Jr., "Police Brutality. . . Answers to Key Questions," Law and Order Police Encounters, (1970), pp.57-83.

Several researchers[7] have cited a disproportionate number of blacks being shot by police officers. These findings have led others to conclude that the disproportion is attributable to "racism"[8] on the part of the police.

While we also found that blacks are disproportionately represented (in sheer numbers) as victims of justifiable homicide by the police, we also found that blacks are represented as victims of justifiable homicide by the police in nearly the same proportion in which they are arrested for homicide, robbery, violent crime, and weapons violations. Secondly, our findings also indicate a percentage similarity in black victims of justifiable homicide by civilians. Similar findings have been reached in other research works.[9] If these findings imply racism, then it is racism on the part of all police (15.7 percent of all police officers who shoot civilians are black), it is racism on the part of our entire society (73.1 percent of victims of justifiable homicide by civilians are black), it is an inability to educate our citizens on the values of right and wrong, an inability to teach the moral wrongs of taking what is not free to take, and an inability to recognize the value of human life.

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[7] Gerald D. Robin, "Justifiable Homicide by Police Officers," 54 Journal of Criminal Law, Criminology and Political Science 225 (1963).

Betty Jenkins and A. Faison, An Analysis of 248 Persons Killed by New York City Policemen, 1970-1973 (New York: Metro Applied Research Center, Inc., 1974).

Paul Takagi, "A Garrison State in 'Democratic' Society," 1 Crime and Social Justice 27 (1977).

S. Harring, et al., "The Management of Police Killings," Crime and Social Justice 34 (1977).

Ralph Knoohuizen, R. Fahey, and D. J. Palmer, The Police and Their Use of Fatal Force in Chicago (Chicago: The Chicago Law Enforcement Study Group, 1972).

Board of Police Commissioners of Los Angeles, The Report of the Board of Police Commissioners Concerning the Shooting of Eulia Love and the Use of Deadly Force, Parts I-IV (Los Angeles: Board of Police Commissioners, 1979-1980).

Catherine Milton, Jeanne Wahl Halleck, James Lardner, Gary L. Abrecht, Police Use of Deadly Force (Washington, D.C.: The Police Foundation 1977).

James Fyfe, Shots Fired: An Examination of New York City Police Firearms Discharges (Ann Arbor, Mich.: University Microfilms International, 1978).

William A. Geller and Kevin J. Karales, Split Second Decisions: Shootings of and by Chicago Police (Chicago: Chicago Law Enforcement Study Group, June 1981).

Lawrence Sherman and Robert Langworthy, "Measuring Homicide by Police Officers," Journal of Criminal Law and Criminology 546 (1979).

[8] Takagi, "A Garrison State in 'Democratic' Society." "Police killings are manifestations of racism."

Lawrence W. Sherman, "Execution Without Trial: Police Homicide and the Constitution," Vanderbilt Law Review Vol. 33, No.1 (1980). "In the absence of more conclusive evidence, the demonstrably higher rates of police homicide of Blacks strongly suggests racial discrimination on a national basis."

Vernon E. Jordan, Jr., National Consultation on Safety and Force - Summary Report, U.S. Department of Justice, Dec. '79, p.7. "While we meet here, some police officer somewhere in America is shooting a civilian. And if today's case is typical, that civilian will be a black or Hispanic person. If that incident follows the averages, it is likely the victim is a young person. It is likely that the incident involved a nonfelony offense. It is possible the victim was unarmed. It is possible that the shooting could have been avoided. And it is certain that no punitive action will be taken against the policeman doing the shooting."

The police have often been cited as the scapegoat cause of many of our community ills. The police have been accused of precipitating community disturbances in Houston, Miami, Chicago, Flint, and Philadelphia; yet, each of these major disturbances has been thoroughly studied and has resulted in similar conclusions--"disturbances do not erupt as a result of a single triggering or precipitating incident."[10]

We do not intend to suggest that the police share no blame for the ills of our society; we merely want to place them at their rightful plateau in the hierarchy of concerns.

Over 10,000 civil rights violations charging brutality by police are being reported to the Justice Department every year. In 1977, for example, there were about 12,000 complaints of which about 3,500 required investigation; some 50 were presented to the Grand Jury resulting in litigation of about 25 with convictions in about 16 cases.[11]

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[9] Richard R. E. Kania and Wade Mackey, "Police Violence as a Function of Community Characteristics," 15 Criminology 27-28 (1977).

Fyfe, Shots Fired: An Examination of New York City Police Firearms Discharges.

Sherman and Langworthy, "Measuring Homicide by Police Officers."

[10] An investigative panel appointed by the Governor of the State of Florida to determine cause of the Miami riots of May 17-19, 1980, concluded causes to be racism, neglect of and negative action against Blacks, perception of racism by Blacks, poverty, poor housing, functional illiteracy, the criminal justice system, complaints of police brutality, inadequate recreational facilities for the young, political deprivation and hard core delinquency. (New York Times, Dec. 1, 1980).

"The experience of the Community Relations Service supports the National Advisory Commission (disorders do not erupt as a result of a single so-called triggering or precipitating incident). It has been the product of CRS assessment in Chicano disorders at Moody Park in Houston, the Puerto Rican disorders in Chicago, and Black disorders in Miami, Florida; Flint, Michigan and Philadelphia, Pennsylvania." (Remarks of: Gilbert S. Pompa, Director, Community Relations Service, U.S. Department of Justice at the Peter W. Rodino Institute, Nov. 6, 1980.)

[11] Assistant Attorney General Drew Days III in a speech to the 115th Session of the FBI National Academy, November 1, 1978.

Can the conviction of 16 police officers for brutality out of an estimated 500,000 be considered a national problem? Or, is police brutality merely an over-used cliche rendered almost meaningless because of its being applied to everything from murder[12] to a police officer's using gentle persuasion to move a group of loitering juveniles? Is it possible that a few bureaucrats are using emotional and frustrated minorities to generate sufficient controversy from which to build an empire?[13]

Considering the value of a single human life, these justifiable homicides represent an awesome loss to society.[14] This loss, of course, represents a problem worthy of significant study if there exists a chance that one life may be spared.

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[12] The alleged killing of Arthur McDuffie by officers in Dade County, Florida; the alleged drowning of Joe Campos Torres by officers in Houston, Texas.

[13] Statement of the United States Commission on Civil Rights, "Police Practices and the Preservation of Civil Rights," July 9, 1980. Recommendation: (1) The Congress approve the hiring of additional personnel for the criminal section of the Civil Rights Division of the Department of Justice in order to make it possible for the department to handle cases involving alleged violations of civil rights by police effectively and expeditiously. (2) The President and Congress urgently address the need for the services of the "Community Relations Service" and provide for an expansion of its staff and resources so that the important work it is doing in mediating police-citizen conflicts can be extended.

[14] Charles M. Gray (Ed.) The Costs of Crime (Sage Publications, 1979). Economists have developed methods for estimating the value of loss of human life which essentially involves computation of the present value of total future earning potential at the time of death, discounted at some appropriate interest rate. When a person becomes a victim of homicide, society loses the net production of that individual, which would have been produced between the date of the homicide and the date of death in the absence of homicide. On the basis of existing literature, it is estimated that the mean value of a human life is $186,000.

See also:

B. A. Weisbord, (1961) Economics of Public Health (Philadelphia: Univ. of Pennsylvania Press, 1971). "Costs and benefits of medical research: a case study of poliomyelitis." Journal of Political Economy '79 (May/June), 527-544.

R. Zeckhauser and D. Shepard (1976) "Where now for saving lives." Law and Contemporary Problems XL, 4, 5-45.

J. Acton, (1973) "Evaluating public programs to save lives: the case of heart attacks." R-950-RC, Rand Corporation, January, 1976. "Measuring the monetary value of lifesaving programs." Law and Contemporary Problems XL (Autumn), 46-72.

L.S. Friedman, (1976) The Economics of Crime and Justice. University Programs Modular Studies (Morristown, NJ: General Learning Press, 1977) "An interim evaluation of the supported work experiment." Policy Analysis 3, 147-170.

E. D. Jones, III (n.d.) "A cost analysis of federal victim compensation." Economic Research Program, Working Paper No. 2, (Washington, DC: Office of Policy and Planning, Department of Justice).

R. Thaler and S. Rosen (1975) "The value of saving a life: evidence from the labor market," in N.E.Terlecki (ed.) Household Production and Consumption. Studies in Income and Wealth, 40. (New York: Columbia Univ. Press).

We have recently expended substantial monies in government research grants in a valid attempt to reduce the number of justifiable homicides by the police[15] (recorded by the FBI to be approximately 300-400 annually). These studies do not treat the larger issue of more than 21,000 annual homicides in this country. These lives are of no less value than those 300-400 who are homicide victims classified as "justifiable by the police." We must take care that our distaste of government controls (the police) does not blind us from recognizing the need to study all homicides.

This study, other deadly force studies, national, state, and local boards or commissions, civil litigation against the police, and a multitude of other anti-police sentiments are undoubtedly designed to place valid controls on police powers. A concern, however, is that such actions do not extend beyond the point of reasonableness. We are concerned about the time-worn complaint that the police are being handcuffed by society's eagerness to be "secure in their persons, houses, papers, and effects." We are very much concerned that these watch-guard measures have contributed to the creation of a new "passive police officer."

This situation was boldly brought to light at a recent seminar where a large city police chief announced his new department philosophy which he contended resulted in both a lower rate of justifiable homicides by the police and fewer police officers being killed. He explained this "new" philosophy or style with the following scenario:

> Twelve to fifteen young thugs are standing on a city street corner apparently up to no good. The thugs are observed by a police officer. The officer is well aware of the potential confrontation if he approaches and questions the thugs. Therefore, rather than precipitate a violent situation, the new management philosophy is for the officer to walk away from the potential problem.

Is this what society has come to expect from the police? Does crime not exist if the police do not see the criminal occurrence?

Justifiable Homicide Counts

Police use of deadly force has received considerable attention especially so when placed in perspective to other social problems and violent crime. Statistics concerning justifiable homicide by the police have been collected for a number of years. Yet, these figures have not been widely published. Secondly, the various sources have used significantly different methods of collection. It is important here to note these differences.

National Center for Health Statistics. The National Center for Health Statistics (NCHS) collects and publishes "Vital Statistics of the United States." These records include justifiable homicides by the police. The records are tallied from "Standard Death Certificates" completed by local coroners. This system is suspected to be fraught with serious deficiencies. Such deficiencies include: (1) the poor quality of the medical diagnoses, (2) lack of coroner's awareness of, support for, and legal obligation to comply with the system's request for information; the vagueness of the instructions for completing the Standard Death Certificate; the close relationship between the local police and the medico-legal office; diversity of procedures used among different coroners; the transmission and coding of the data suffers both mechanical and conceptual errors.[16]

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[15] University of California, Irvine $361,000
The National Urban League $300,000
The Council of La Raza $150,000
International Association of Chiefs of Police $155,000
Chicago Law Enforcement Study Group $20,000
These are only representative of a few research studies funded by the National Institute of Justice; many other projects have received other financial backing from a variety of sources.

Deaths recorded by NCHS are recorded by county in which the death occurred, which is not necessarily the same jurisdiction where the shooting or other wounding occurred. The NCHS has compiled these annual counts since 1949. A recent analysis of NCHS counts indicates rather consistent underreporting by about 50 percent.[17]

Uniform Crime Records. The FBI Uniform Crime Records Section[18] has been collecting voluntary submissions of homicide by the police from police departments throughout the country since 1940. The mere fact that these statistics have been voluntarily submitted makes them suspect of accuracy. However, for the past several years, more and more states have mandated such submissions and then reported same to the FBI collection source. These records are tallied by jurisdiction in which the homicide occurred regardless of the officer's agency of employment, e.g., a county sheriff, state police officer, or federal law enforcement officer shoots a crime suspect in a city, the death is recorded to the city and police agency of the city where the death occurred and not to the officer's employment jurisdiction.

Police Internal Files. This study includes a count of justifiable homicides by the police in 57 U.S. cities. (See Table 1.) Appendix F shows a detailed count by city. The count is graphically shown in Graph 1. We attempted in all cases to verify justifiable homicides by the officer and his employing jurisdiction. Thus, when the officer was out of his employing jurisdiction (off duty, in pursuit, or any reason) when he took deadly force, we counted the justifiable homicide to the officer's employer (the city).

From the above accounts of collection agencies and methodologies, one can quickly see several potential problems when studying the issue of justifiable homicide by the police. The reader is urged to recognize these differences when referring to tables within this report as well as to other reports.

Model Data Collection System

The review of the several data collection systems highlighted the need for a single comprehensive system that would incorporate the positive features of each of the existing programs. Such a system should mandate submission and provide for publication of the results. The following specific guidelines are recommended:

Recommended Guideline

Every law enforcement executive should
submit comprehensive data to the FBI

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[16] Sherman and Langworthy, "Measuring Homicide by Police Officers," pp. 548-551.

[17] Ibid.

[18] See: Supplemental Homicide Report in Appendix A.

TABLE 1

JUSTIFIABLE HOMICIDE BY POLICE
1970-1979
57 U.S. CITIES*

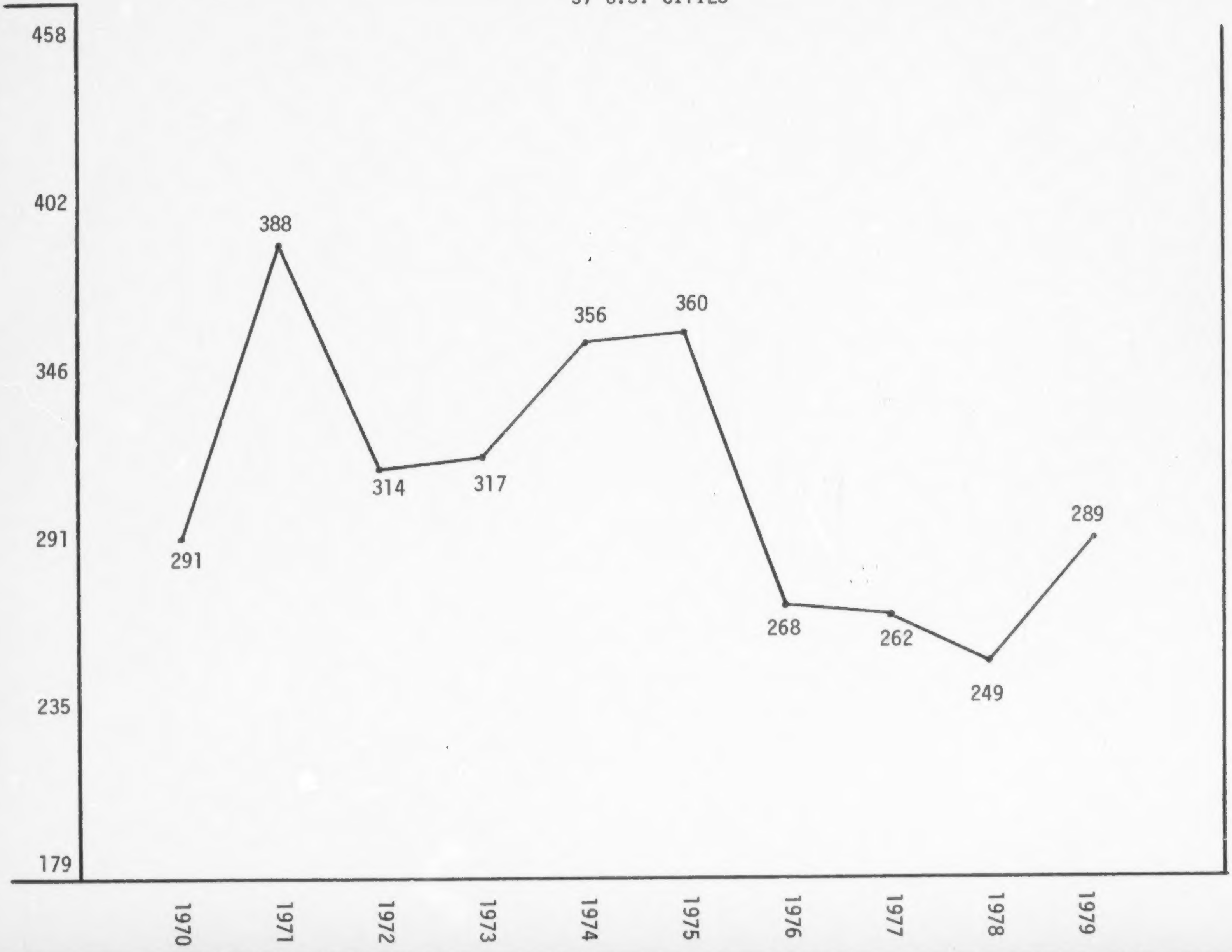
Year	Homicides	Percent Change
1970	291	
1971	388	+33.3
1972	314	-19.1
1973	317	+ 0.9
1974	356	+12.3
1975	360	+ 1.1
1976	268	-25.6
1977	262	- 2.2
1978	249	- 5.0
1979	289	+16.1

*The 57 cities are identified in Appendix D. Each of the cities serves a community of 250,000 or more people.

Source: (See Appendix F-1)
IACP Survey of 57 U.S. Cities.
Unpublished FBI Uniform Crime Records.

GRAPH 1

JUSTIFIABLE HOMICIDE BY POLICE
1970-1979
57 U.S. CITIES



Uniform Crime Records Section for every incident that culminates in the death of a citizen as a result of use of force by a police officer.

Deadly force data should be submitted by the agency which employs the involved officer. The Federal Bureau of Investigation should prepare and publish an annual report of the deadly force data.

Data submission should include the following specific elements:

- *Date of incident*
  - *Time of day*
  - *Day of week*
- *Date of death*
- *Jurisdiction where incident occurred*
- *Jurisdiction of officer (specific agency)*
- *Age, sex, race of officer*
- *Age, sex, race of victim*
- *Criminal background of victim*
- *Relationship of victim to officer*
- *Officer's status at time of incident*
  - *On duty*
    - *In uniform*
    - *Out of uniform*
    - *Specific work assignment*
    - *Specific type of incident (Dispatched as actually found to be)*
  - *Off duty*
    - *In uniform*
    - *Out of uniform*
    - *Situation*
- *Weapon used*
  - *Firearm*
    - *Type*
    - *Caliber*
    - *On-duty weapon*
    - *Off-duty weapon*
    - *Back-up weapon*
  - *Other weapons*
    - *Specifications of the weapon used*
- *Circumstances*
  - *During commission of a crime (specific)*
  - *Gun cleaning*
  - *Accident (specific: e.g. firearms range, inspection, unauthorized person handling weapon, etc.)*

II

JUSTIFIABLE HOMICIDE BY THE POLICE

THE LEGAL ISSUES

In our society, the taking of a human life is considered a serious act with significant emotional, moral, and legal overtones. There are those in our population who do not consider homicide justifiable under any circumstances. Others may consider it justifiable, but only under extreme circumstances. Grand juries generally have concluded that shootings by police officers are justifiable.[1] With citizen input, state legislatures, the courts, and individual police executives have adopted a myriad of policy guidelines within which the taking of a human life is acceptable. These varieties of rules which exist place a burden on the individual police officer to interpret the standard of conduct desired by the collective public. Disregarding the individual police department rules which generally place a more restrictive standard of conduct than permitted by law,[2] there are basically three standards of conduct controlling police use of deadly force in the 50 states.[3] The three standards are:

1. Common Law Statutes
2. Modified Common Law Statutes
3. Model Penal Code

Common Law

At common law, justifiable homicide is the "necessary killing of anyone in the performance of a legal duty or where the slayer, not being himself at fault, had a legal right so to kill; the taking of human life under circumstances of justification, as a matter of right. It is homicide authorized by law." (CJS Homicide § 97).[4] It was justifiable when committed necessarily or inadvertently by an officer while in the exercise of duty or authority (CJS Homicide § 100), to prevent the commission of a felony by force and surprise where there is a reasonable belief that the felony is presently being or is about to be committed (CJS Homicide § 101).

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[1] Catherine Milton, Jeanne Wahl Halleck, James Lardner, Gary L. Abrecht, Police Use of Deadly Force, (Washington, D.C.: The Police Foundation, 1977).

[2] This conclusion found in our research differs from the Milton et al. finding which concluded: "Departments appear to shy away from adopting firearms policy that is more restrictive than state law."

[3] See Appendix O for a complete reference to State Law.

[4] Corpus Juris Secundum (CJS) Homicide § 97.

If he has an arrest warrant, an officer is justified in killing, as reasonable and necessary, while making an arrest for a felony or preventing an escape, but the use of deadly force must have been the only means possible left to effect the arrest. If a felony was not actually committed but the officer reasonably believes that it was, he acts at his peril if he uses deadly force; if he has made a mistake as to the identity of the suspect or the facts of the crime, he will have committed culpable homicide, although in some states a reasonable belief that the arrestee has committed a felony is sufficient to justify the killing. (CJS Homicide § 102.)

In case of a misdemeanor, police officers may not use deadly force unless they are in danger of death or serious bodily harm; they are specifically precluded from killing a misdemeanant whose escape is not threatening the officer or another with serious harm. This dichotomy between the permissible levels of force used against felons and misdemeanants is known as the "felony-misdemeanor rule". Homicide is also justifiable in suppressing a riot where necessary. (CJS Homicide § 103.)

When resistance to arrest endangers an officer's life or limb he is justified in killing; he has no duty to retreat, nor need he be free from original aggression. He may defend himself even though there is a formal defect in the warrant for arrest. When the arrest is unlawful, authorities are divided, with some states allowing the victim of unlawful arrest to resist including the right to use deadly force. There is clearly a right to self-defense where an officer, not in an attempt to make an arrest, attacks an individual (CJS Homicide § 137.)

The rule allowing homicide in the apprehension or pursuit of felons was based on the fact that at common law all felonies were punishable by death.[5] Thus, one who had committed a felony had forfeited his life; homicide in his apprehension merely hastened the inevitable. As modern law developed, the number of statutory, non-dangerous felonies grew, and certain statutory misdemeanors developed which were of a more dangerous nature than statutory felonies (e.g., drunken driving), and thus, one of the rationales for the felony-misdemeanor distinction was undermined. As a result, the rule has been the subject of recent criticism on policy grounds.[6]

The common law states have generally adopted statutes with wording similar to the following:

- The officer must have probable cause to believe that a felony has been committed and that the person to be arrested committed it, and
- The arresting officer must give the defendant notice of his intention to arrest, and
- The defendant either flees or forcibly resists, and
- Whatever force the officer uses must be necessary to effect the arrest.

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[5] "Justifiable Use of Deadly Force by the Police:" A Statutory Survey, 12 William and Mary L. Rev. 67, (1970).

[6] Ibid., at 71.

The common law states are shown in Table 2.

TABLE 2

POLICE USE OF DEADLY FORCE
COMMON LAW STATES

Alaska (Stat. § 11.15.090 (1970))
Arizona (Rev. Stat. § 13.461 (Supp. 1972))
California (Penal Code § 196 (West 1970))
Colorado (Rev. Stat. 18-1-707 (2) (b) (1973))
Connecticut (Gen. Stat. § 53a-22(c) (2) (1975))
Florida (Stat. Ann. § 776.05 (Supp. 1975))
Idaho (Code § 19-610 (1979))
Indiana (Code § 35-1-19-3 (Burns 1975))
Iowa (Code § 755.8 (1971))
Kansas (Stat. § 21-3215 (1) (1974))
Minnesota (Stat. § 609.065(3)(1974))
Mississippi (Code Ann. § 97-3-15(1972))
Missouri (Ann. Stat. § 563.046(3)(2)(1979))
Montana (Rev. Code Ann. § 94-2512 (supp. 1973))
Nevada (Rev. Stat. § 200.140(3)(b)(1973))
New Hampshire (Rev. Stat. Ann. §627:5(11)(B)(1) (Supp. 1973))
New Mexico (Stat. Ann. § 30-2-6 (c) (1978))
Oklahoma (Stat. Ann. Tit. 21 § 732 (West 1958))
Rhode Island (Gen. Laws § 12-7-9(1969))
South Dakota (Codified Laws Ann. §22-16-32(1967))
Tennessee (Code Ann. § 40-808(1956))
Washington (Rev. Code Ann. § 9.48.160(1961) § 9A.16.040(3) (1975))
Wisconsin (Stat. § 939.45(4)(1973))

Modified Common Law

Several states have, through statute, modified the common law approach to the deadly force issue. Basically, those states have disallowed the any felony rule and replaced it with the following style of wording.

> Deadly force may be used to effect the arrest of a person:
>
> - Attempting to escape from justice by use of a deadly weapon; OR
> - Who otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay; OR
> - Who has committed a "dangerous or atrocious" felony (dangerous or atrocious being generally defined to include murder, arson, mayhem, burglary, aggravated assault, rape, kidnap, extortion, or robbery).

The modified common law states are shown in Table 3.

TABLE 3

POLICE USE OF DEADLY FORCE
MODIFIED COMMON LAW STATES

Arkansas (Stat. Ann. § 41-510(2)(a)(1977))

Georgia (Code § 26-902(1972)

Illinois (Rev. Stat. Ch. 38 §7-5(a)(2)(1973))

New Jersey (Stat. Ann. §2C:3-7(b)(2)(c)-(d)(1979))

New York (Penal Law §35.30(1)(a)(ii)(1975))

North Dakota (Cent. Code § 12.1-05-07(2)(d)(1975))

Oregon (Rev. Stat. § 161.239(1973)

Pennsylvania (Stat. Tit. 18 § 508(a)(1)(ii)(1973))

Utah (Code Ann. § 76-2-404(2)(b)(Supp. 1977))

Louisiana (Rev. Stat. § 14.20 (West 1950))

South Carolina (Code § 17-252 (1962))

Vermont (Stat. Ann. Tit. 13 §2305 (1974))

Model Penal Code

Seven states have implemented the Model Penal Code[7] as their standard for use of deadly force. This model code specifies:

1. Use of deadly force to effect an arrest when:
   - The arrest must be for a felony; AND
   - The person effecting the arrest must be authorized to act as a peace officer or is assisting a person whom he believes to be authorized to act as a peace officer; AND
   - The officer believes that the force employed creates no substantial risk of injury to innocent persons; AND
   - The officer believes the crime for which the arrest is made involved conduct including the use or threatened use of deadly force; OR
   - The officer believes there is a substantial risk that the person to be arrested will cause death or serious bodily harm if his apprehension is delayed.
2. Use of deadly force to prevent escape from custody:
   - A guard or other person authorized to act as a peace officer is justified in using deadly force, which he believes to be immediately necessary to prevent the escape of a person from a jail, prison, or other institution for the detention of persons charged with or convicted of a crime.
3. Use of deadly force to prevent the commission of a crime:
   - The officer believes that there is a substantial risk that the person whom he seeks to prevent from commiting a crime will cause death or serious bodily harm to another unless the commission or the consummation

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[7] The American Law Institute, Model Penal Code, Proposed Official Draft, § 3.07 (1962)

of the crime is prevented and that the use of such force presents no substantial risk of injury to innocent persons; OR

- The officer believes that the use of such force is necessary to suppress a riot or mutiny after the rioters or mutineers have been ordered to disperse and warned, in any particular manner that the law may require, that such force will be used if they do not obey.

The model penal code states are shown in Table 4.

TABLE 4

POLICE USE OF DEADLY FORCE
MODEL PENAL CODE STATES

Delaware (Code Tit. 11 § 467(c)(1974))
Hawaii (Rev. Stat. Tit. 37 § 703-307 (3)(1976))
Kentucky (Rev. Stat. § 503.090 (2) (1975))
Maine (Rev. Stat. Tit. 17A § 107-2(B) (1975))
Nebraska (Rev. Stat. § 28839 (3)(1975))
North Carolina (Gen. Stat. § 15A-401 (d)(2)(b)(1975))
Texas (Penal Code Ann. Tit. 2 § 9.51 (c) (1974))

No Statute Law

Eight states and the District of Columbia do not have specific statutory law regarding police use of deadly force. Those states have relied on the courts to establish when and to what extent force may be used by police officers. These court holdings have ranged from common law to model penal code, but the majority tend toward upholding common law guidelines.

The no statute law states are shown in Table 5.

State Law v. Justifiable Homicide Rates

It is commonly hypothesized that restrictive state laws regarding deadly force should result in a reduction in the police justifiable homicide rate.[8] In an attempt to test

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[8] Gerald F. Uelman, "Varieties of Public Policy: A Study of Police Policy Regarding the Use of Deadly Force in Los Angeles County", Loyola of Los Angeles Law Review, Vol. 6 (1973).

TABLE 5

POLICE USE OF DEADLY FORCE
NO STATUTE LAW STATES

Maryland (*Samuel* v. *Busnuck*, 423 F.Supp. 99 (D.Md. 1976).

Michigan (*Moran* v. *Lumbermens Mutual*, 92 F.Supp. 267 (D.Mich. 1950).

Virginia (*Berry* v. *Hamman*, 203 Va. 596, 125 S.E. 2d 851 (1962))

West Virginia (*Bumgarner* v. *Sims*, 139 W. Va. 92, 79 S.E. 2d 277 (1953))

Alabama (*Union Indemnity Co.* v. *Webster*, 218 Ala. 468, 118 So. 794 (1928))

Massachusetts (*Powers* v. *Sturtevant*, 119 Mass. 265, 85 N.W. 84 (1908))

Ohio (*Jones* v. *Penketh*, 31 Ohio N.P. (n.s.) 161 (C.P. Hamilton Cty. 1933).

Wyoming (*Meldrum* v. *State*, 23 Wyo. 12, 146 P. 596 (1915))

District of Columbia (*Bell* v. *U.S.*, 102 U.S. App. D.C. 383 (1958))

this hypothesis, the study cities were grouped by the four (common law, modified common law, model penal code, and court rule) categories of state law. The mean justifiable homicide rates were compared using six separate rates.[9] (See Tables 6 through 9.)

The individual rate comparisons are presented in Tables 27 through 32 in Chapter IV. These tables indicate that cities in model penal code states exhibit the lowest justifiable homicide rate (JHR) in two of the six rate categories (rate to population .46 and rate to community homicide .29). The modified common law states reflect three rate categories (rate to number of officers .22, to justifiable homicide by civilian 1.28 and rate to robbery 1.17) as lowest of the six.

A comparison of cities in common law states reflects the highest rate in four categories (rate to number of officers .33, rate to civilian justifiable homicide 2.15, rate to homicide .41, and rate to robbery 1.64).

In reviewing these comparisons, the reader is cautioned to understand that not all cities follow the *exact* guidelines established by state law. For example, Sacramento, in the common law state of California, has a much more restrictive deadly force policy than that required by state law. It is interesting to note that the common law states include the city (Sacramento) which experiences the lowest (.04) justifiable homicide rate (number of police homicides per 100 police officers) and also a city (Oakland) which experiences one of the highest rates (.67).

A close study of these tables will indicate other extremes within a single category of state law. As we will show later, this is indicative of police department policy which is often more restrictive than the state law.

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[9] Rate of justifiable homicide to (1) population, (2) police officers, (3) justifiable homicide by civilian, (4) community homicide, (5) robbery, and (6) violent crime. A thorough explanation of these rates is presented in Chapter IV.

TABLE 6

CITIES IN "COMMON LAW" STATES
RATE OF JUSTIFIABLE HOMICIDE BY POLICE
1975-1979

	Rate to 100,000 Population	Rate to 100 Officers	Rate to 1 Justifiable Homicide by Civilian	Rate to 1,000 Community Homicides	Rate to 1,000 Robberies	Rate to 1,000 Violent Crimes
Albuquerque	.35	.21	2.50	.29	1.26	.41
Denver	.46	.16	3.67	.28	.94	.46
Indianapolis	.67	.40	4.20	.51	1.81	1.02
Jacksonville	1.16	.65	7.75	.76	4.05	1.38
Kansas City	.90	.35	3.00	.39	1.70	.74
Long Beach	1.18	.64	2.86	.61	1.99	1.16
Los Angeles	.89	.35	1.39	.40	1.52	.70
Memphis	.60	.31	1.11	.36	1.39	.75
Miami	.51	.25	1.13	.18	.66	.30
Minneapolis	.38	.18	3.50	.42	.82	.43
Nashville	.70	.41	1.36	.36	1.69	.97
Oakland	1.32	.67	2.44	.44	1.47	.77
Oklahoma City	.86	.49	.70	.51	3.37	1.05
Phoenix	.52	.22	1.50	.48	1.92	.75
Sacramento	.08	.04	.13	.04	.15	.07
St. Louis	1.77	.45	3.07	.42	1.71	.91
St. Paul	.15	.07	2.00	.25	.52	.20
San Diego	.48	.33	2.11	.56	1.54	.85
San Francisco	.39	.16	.81	.20	.42	.26
San Jose	.31	.24	1.80	.44	1.67	.68
Seattle	.44	.22	2.20	.50	1.06	.50
Tampa	.66	.30	1.29	.41	1.53	.53
Tucson	.72	.42	1.57	.90	3.56	1.28
Tulsa	.59	.31	2.00	.55	3.67	1.01
Wichita	.52	.36	3.50	.48	2.27	1.11
Mean	.66	.33	2.15	.41	1.64	.73

TABLE 7

CITIES IN "MODIFIED COMMON LAW" STATES
RATE OF JUSTIFIABLE HOMICIDE BY POLICE
1975-1979

	Rate to 100,000 Population	Rate to 100 Officers	Rate to 1 Justifiable Homicide by Civilian	Rate to 1,000 Community Homicides	Rate to 1,000 Robberies	Rate to 1,000 Violent Crimes
Buffalo	.25	.09	.71	.19	.51	.29
Chicago	.74	.17	.31	.28	1.33	.75
Newark	.37	.08	1.50	.11	.28	.17
New Orleans	2.13	.77	2.07	.63	3.17	1.81
New York	.48	.14	1.12	.22	.44	.27
Philadelphia	.94	.21	2.24	.47	2.07	1.24
Portland	.21	.12	.80	.20	.44	.19
Rochester	.46	.19	1.50	.37	1.08	.58
Mean	.70	.22	1.28	.31	1.17	.66

TABLE 8

CITIES IN "MODEL PENAL CODE" STATES
RATE OF JUSTIFIABLE HOMICIDE BY POLICE
1975-1979

	Rate to 100,000 Population	Rate to 100 Officers	Rate to 1 Justifiable Homicide by Civilian	Rate to 1,000 Community Homicides	Rate to 1,000 Robberies	Rate to 1,000 Violent Crimes
Austin	.12	.09	.29	.12	.72	.74
Charlotte	.20	.10	1.50	.11	.84	.28
Dallas	.83	.35	1.30	.29	1.90	.77
El Paso	.40	.25	1.34	.61	1.98	.94
Fort Worth	.32	.18	.75	.14	.95	.47
Honolulu	.11	.05	.80	.17	.64	.43
Houston	1.10	.58	1.86	.38	2.36	1.60
Louisville	.60	.27	2.00	.30	1.34	.83
Omaha	.38	.25	2.33	.47	1.51	.68
San Antonio	.50	.35	4.00	.28	2.64	1.07
Mean	.46	.25	1.62	.29	1.49	.74

TABLE 9

CITIES IN "COURT RULE" STATES
RATE OF JUSTIFIABLE HOMICIDE BY POLICE
1975-1979

	Rate to 100,000 Population	Rate to 100 Officers	Rate to 1 Justifiable Homicide Civilian	Rate to 1,000 Community Homicides	Rate to 1,000 Robberies	Rate to 1,000 Violent Crimes
Akron	.24	.13	1.00	.25	.94	.44
Baltimore	1.06	.26	2.26	.40	1.05	.57
Birmingham	1.74	.75	1.25	.60	4.28	1.63
Boston	.23	.06	1.40	.16	.22	.13
Cincinnati	.49	.20	3.30	.33	1.27	.57
Cleveland	1.04	.32	.70	.25	1.03	.67
Columbus	.37	.20	.67	.31	.96	.56
Detroit	1.63	.40	1.13	.39	1.29	.84
Norfolk	.50	.24	1.75	.29	1.52	.60
Toledo	.27	.15	1.25	.24	.50	.36
Washington	1.05	.17	3.00	.37	1.00	.68
Mean	.78	.26	1.61	.33	1.29	.64

Liability Issues

As has been described, there are three primary rules of law concerning the use of deadly force by the police. Within each of the primary rules there are unique differences from one state to another and from one court to another. Additionally, each police department has written policy that attempts to interpret the law and, more importantly, the policy generally is more restrictive than the law. Thus, the fear of punitive department action regarding the misuse of deadly force is often a greater deterrent to misuse than the law.

All of the above issues tend to create misunderstanding among citizens, police administrators, and police officers. The critical focus of misunderstanding is placed on the primary actor in any deadly force incident--the police officer. He is the one single and final interpreter of the legislative law, court rulings, and department policy. He generally stands alone with his decision to shoot or not shoot.

With all the confusion emanating from legislative law, court holdings, and policy, the police officer potentially faces several forms of review of his actions. A police officer, in an aftermath of his use of deadly force, may face:

- Criminal action in state court
- Civil action in state court
- Criminal action in federal court

- Civil action in federal court
- Departmental action

These, of course, are the legal means of adjudicating a police shooting. There are also community adjudications that do not render formal findings but nevertheless impact upon the police officer, the department, and the city. For example, the news media may try the shooting in print and thus force a change of policy or elicit one or more officer resignations. Citizen hue and cry may likewise affect departmental changes and review of individual officers.

Civil v. Criminal Legal Actions

The police officer is subject to being charged with a crime for use of deadly force. A crime is a public injury, an offense against the state, punishable by fine, imprisonment, or both. It is a violation of duty which one owes the whole community and can be punished only by the state. The remedy for a breach of such duty is punishment.

The police officer is also subject to several forms of civil or tort action for misuse of deadly force. A tort is a private injury for which the injured party may sue in a civil court. Such action may bring about liability which may lead to an award of monetary damages. Torts encompass most personal injury litigation and they are not necessarily dependent upon the results of criminal findings. There are generally three categories of torts--negligence, intentional, and constitutional--which cover most use of force suits in law enforcement.

Criminal Action in State Court

A state may maintain a criminal action for assault and battery, negligent homicide, intentional homicide, or murder in the same manner in which such actions could be brought against a private citizen. Although the elements of these offenses would generally be identical where a police officer and a private citizen are concerned, a significant amount of variation is apparent from state to state with regard to the classification and definition of these various offenses, and it would, therefore, be unwise to attempt to characterize them here. Most statutes do, however, require either some degree of criminal intent or negligence. Negligence in the criminal context generally requires a showing that the officer carelessly disregarded a known risk and therefore involves the demonstration of a higher degree of culpability than need be established by a private plaintiff as a prerequisite to recovery in a civil action.

Criminal Action in Federal Court

A police officer may be found criminally liable in federal court under 18 U.S.C. 241[10] where an individual can demonstrate that such officer intentionally violated his or her civil rights. Furthermore, if two or more persons are found to have been involved in the violation, they may be convicted of criminal conspiracy under 18 U.S.C. § 242.[11] Officers who willfully fail to carry out their duties to respect the civil rights of others may also be prosecuted under these statutes. Furthermore, due to a recent revision of Justice Department policy, such prosecutions may be maintained by the federal government regardless of whether or not the officer had been subject to criminal processes in state court.

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[10] 18 U.S.C. § 241 makes it unlawful for two or more persons to "conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same." The section also makes it a crime for two or more persons to "go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured." The penalty is ordinarily up to 10 years in prison, but increases to a maximum of life imprisonment if death results.

Experience has demonstrated the critical role played by the Federal Criminal Civil Rights Statutes in redressing unlawfull police conduct. 18 U.S.C. 241 and 242 allow the Department of Justice to seek federal criminal convictions against police officers who abuse their authority regardless of the institution or disposition of any state actions based upon the same incident. Although never intended to supplant state prosecutions of assaults and homicides, these statutes nevertheless provide a foundation for a federal response to individual instances of police misuse of force.

As noted, 18 U.S.C. § 241 cannot be used to reach conduct directed at a victim who is not a citizen of the United States (e.g., a Mexican alien), nor can it be used to reach an act committed by a single individual not part of a conspiracy.

Likewise there are qualifications of bringing cases under 19 U.S.C. § 242, which makes it an offense to deprive another of his or her civil rights under color of law. First, in response to a constitutional challenge on grounds of vagueness, the Supreme Court of the United States upheld the statute by reading into it a requirement of a finding of a "specific intent" to deprive the victim of a constitutional right.[12] This ruling has made prosecutions for this offense difficult because the offender is held to a higher standard in that it must be proved that he intended to accomplish the precise act prohibited by the law rather than simply proving that the consequences of his act were substantially certain to occur, which is all that is required for a showing of general intent. The "specific intent" requirement has proved in practice to be an impediment to successful prosecution in that its application is often confusing to juries. Secondly, while Section 242 is the principal tool in the Federal Criminal Code for prosecuting incidents of police misconduct, its violation is in most cases a misdemeanor punishable by not more than one year in prison. Only when death results does the crime become a felony, punishable by up to life in prison.

In this regard, the United States Commission on Civil Rights recommended changes to 18 U.S.C. § 241 and § 242, to wit:

> "--18 U.S.C. 241 can be amended to: (1) eliminate the restriction that the victim be a citizen. The Commission believes there is no reason to shield an offender solely because of the citizenship status of the victim; and (2) remove the requirement that prohibited actions must be

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[11] 18 U.S.C. § 242 makes it an offense for anyone acting "under color of any law, statute, ordinance, regulation, or custom" willfully to subject any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens. The maximum penalty is one year in prison, but rises to life imprisonment if death results.

[12] Screws v. United States, 325 U.S. 91 (1945).

proven to be a part of a conspiracy."

"--18 U.S.C. 242 be amended to (1) remove the impediment to prosecution presented by the judicially imposed "specific intent" requirement; and (2) treat unlawful acts of violence committed under color of law as felonies under any circumstances."[13]

Civil Action in State Court

Civil actions in state courts for misuse of deadly force may be premised upon a showing of either (1) an intentional firing of a weapon, but fired in a negligent manner, or (2) an unintentional firing of a weapon. Regardless of which path a plaintiff elects, it should be emphasized that the courts could possibly consider any departmental regulation having to do with deadly force and may determine liability based upon compliance or non-compliance with such guidelines, notwithstanding the fact that they might prescribe a stricter or less favorable standard than that required by state statute or by regulations in similar departments.

As a general rule, an officer's conduct in using deadly force may not fall below the standard established by law for the protection of others against unreasonable risk of harm. A risk is unreasonable if a reasonable man in similar circumstances would recognize the act as involving a risk of harm and a risk of such magnitude as to outweigh the utility of the act or the manner in which it was done. If an officer's conduct in discharging his weapon creates a danger recognizable as such by a reasonable and similarly situated officer, he will be held accountable to others injured as the proximate result of his conduct.

Many jurisdictions recognize that a police officer carrying a loaded firearm is charged with the safekeeping and safe use of an inherently dangerous instrumentality. Those who employ or maintain such "instrumentalities" are expected to exercise a higher degree of care than are individuals generally, and several courts have applied notions of strict liability to cases involving the misuse of loaded firearms.

Intentional Negligent Use of Firearms. Several cases have been heard in which police officers were sued for intentional but negligent use of firearms. These courts have considered such factors as: departmental policy relative to carrying and brandishing firearms, on-duty versus off-duty regulations, training requirements, and state of mental health.[14]

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[13] United States Commission on Civil Rights, Statement: "Police Practices and the Preservation of Civil Rights" (July 1980).

[14] Truog v. American Bonding Co., 107 P.2d 203 (Ariz. 1940), an officer fired his weapon at birds and animals while in a state game preserve. His shots wounded an innocent person. The court found him personally liable and excused his surety since his act was outside the scope of his official duties. Meistinsky v. New York, 140 N.Y.S. 2d 212 (1955), Aff'd. 132 N.E. 2d 900 (1956), a New York City police officer entered a store being robbed and announced himself and fired six shots at two bandits in close range. Four shots struck the decedent, who was being held hostage. Decedent's executor alleged negligence. The officer had been given firearms training once every four months firing 10 rounds slow fire at a target 60 feet away. His two scores were 65 and 62. There was no training in combat shooting. The lower court dismissed the complaint but the appellate court reversed, holding that a prima facie case of negligence was established.

Unintentional Use of Firearms. Many suits have risen out of accidental or unintentional shootings. These cases include both the unavoidable accident and where accidental discharge follows improper handling of a weapon, such as carelessness in horseplay, or while cleaning the weapon.[15]

Warning Shots. Department policy usually specifies whether warning shots are permitted. The issue of firing shots to summon assistance to an officer, however, is more often than not avoided in policy. Regardless, where injury results from such shots, the courts will carefully review the necessity of such shooting according to the reported facts of the particular incident. While it has been held that warning shots may be proper in some cases, the burden is on the department and the officer to show due regard for safety. The law generally imposes a duty to exercise extraordinary care. Where there is no threat to the officer and no felony is involved, there will be a liability for an errant warning shot.[16]

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[15] In Martin v. Garlotte, 270 So.2d 252 (La. Ct. of App. 1973) an officer was accidentally shot and killed by a gun which had been quick-drawn by a fellow officer while engaging in horseplay at the station house. On appeal,the court held the Chief of Police, who had also been sued in the case, could not be held negligent. He had issued regulations prohibiting horseplay by police with guns. The Chief could not be expected to foresee that one of his officers would violate the regulation of the department and engage in conduct relative to use of firearms which was violative of basic common sense.

In Graham v. Ogden, 157 So.2d 365 (La. Ct. of App. 1963), the court held that a deputy sheriff was not liable for the death of a bystander, when the fatal shot was accidentally fired while attempting a lawful arrest for creating a disturbance in the deputy's presence. The evidence showed that the shot resulted from the offender's action in resisting the officer and his attempt to take the deputy's weapon from him.

In Peer v. Newark, 176 A.2d 249 (N.J. Super. Ct. 1961), a Newark police officer in off-duty status removed his service revolver (worn by regulations) in his bathroom and the weapon fired. The bullet pierced a six and one-half inch wall and struck a child in the adjoining apartment, paralyzing her for life. In a suit against the officer and the city, it was contended that the city was negligent in that (1) no instruction had been given to the officer in off-duty firearms safety; (2) the officer was using a dangerous holster which would allow the weapon to fall out; (3) no retraining had been given to the officer since the original three-day firearms class; and (4) he had not fired the weapon for over 16 months. The verdict was for the plaintiff.

In Hecker v. City of New York, a police officer's wife recovered against the city when her husband's weapon fired while he was cleaning it. The cleaning was held within the scope of the officer's duties. 261 N.Y.S.2d 751 (App. Div. 1965), rev'd on other grounds 275 N.Y.S.2d 146.

Injury to Innocent Bystander. Loaded firearms are regarded as dangerous instruments and a high degree of care and caution must be exercised in their use. A police officer is not exempted from the strict rule of accountability for want of extraordinary care in the use of loaded firearms. Whether an officer will be held liable for the injury of an innocent third party will depend on whether he used such extraordinary care in his action. While an officer might be justified in the discharge of his weapon, the law requires that he do so with reasonable prudence to avoid injury to others and that he exercise care commensurate with the danger involved.[17]

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[16] Wimberly v. Paterson, 183 A. 2d 691 (N.J. Super. 1962). In Davis v. Hellwig, 122 A. 2d 497 (N.J. 1956), two police officers were instructed to pick up a 17-year-old boy as a parole violator and for questioning on suspicion if they saw him. The youth was on parole from a juvenile home but no complaint warrants or indictments were outstanding against him. They saw the boy at a basketball game and arrested him as a parole violator. The arrestee broke and ran from the officers who gave chase, firing warning shots during the pursuit. The subject ran into a long alley four feet wide. One of the officers fired another warning shot; it struck and killed the subject whose father sued the officers and the city. The court emphasized the general rule that shooting a fleeing misdemeanant is not justified. Thus, the officer would be liable if the jury found that the officer had fired at the deceased. The plaintiff also argued that the officer was negligent for firing a warning shot. The court noted a split of authority over the use of warning shots and held that the better rule is that an officer may discharge a firearm to frighten into halting anyone who is attempting to escape from a lawful arrest, but that the law imposes a duty to employ extraordinary care in firing warning shots. The officer who uses warning shots is held to a "duty of prevision not far from that of an insurer."

In Geiger v. Madden, 58 Pa 616 (Pa. Super. 1915), where an officer held his pistol in a downward position before firing, the court wrote: "...even if it was pointed at the pavement, the defendant (officer) must be deemed to have taken the chance of the missile glancing and striking the prisoner. As he had no lawful right to fire in his direction, with the probability of such a consequence and view, there was no error in describing it as a negligent act, or at least a harmful error, inasmuch as the act might have been described as a reckless one."

Civil Action in Federal Court

Many private plaintiffs alleging the improper use of deadly force choose to proceed under 42 U.S.C. § 1983 of the Civil Rights Act of 1871, which provides:

> Every person who, under color of any statute, ordinance, regulation, custom, or usage of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action of law, suit in equity, or other proper proceeding for redress.

It is clear that a plaintiff need not exhaust state or local remedies before pursuing relief in federal court under § 1983. An independent cause of action may be asserted, then, by any individual who can allege that law enforcement officers, acting as agents of the state, violated any of his or her rights, privileges, or immunities as guaranteed by law or the Constitution.

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[17] Davis v. Hellwig, 122 A. 2d 497 (NJ 1956), a policeman fired his gun at a thief running down a narrow street without making thorough observation for pedestrians beyond seeing that none were in his line of fire. A deflected bullet hit a pedestrian. Verdict entered for officer on basis of no cause of action. NJ Supreme Court reversed and held that conduct so far departed from the applicable standard of care which he should have exercised in the use of firearms that the pedestrian was entitled to have his action considered by a jury.

Askay v. Maloney, 166 P. 29 (Ore. 1917), the court wrote, "A street is not a sanctuary for a robber, and the officers had a right to exercise their prerogative of arresting the felon wherever they might find him, whether in the street or in some secluded spot. The mere act of their shooting at him was not unlawful or negligent per se, because as to the arresting officers it was authorized by statute. Of course, it was their duty to act with reasonable prudence to avoid the injury of innocent persons, and the care must be commensurate with the danger involved. It goes without saying that a greater quantum of caution should be observed in firing upon him with pistols than if they were grappling him with their hands. Whether they were negligent under all the circumstances of the case, as a result of which the injury was inflicted, was a question for the jury to determine according to the preponderance of the evidence upon a consideration of the whole case."

Graham v. Ogden, 157 So.2d 365 (La. Ct. of App. 1963) the court held that a deputy sheriff was not liable for the death of a bystander, when the fatal shot was accidentally fired while attempting a lawful arrest for creating a disturbance in the deputy's presence. The evidence showed that the shot resulted from the offender's action in resisting the officer and his attempt to take the deputy's weapon from him.

Berry v. Hamman, 125 S.E. 2d 851 (Va. 1962), a state police officer was held not liable for bodily injuries suffered by a special police officer assisting in the apprehension of a person wanted for committing several felonies. The injured officer had ventured from a safe position into the open after hearing a shot fired by the state officer. The court said the shot was unintentional and accidental. The state officer was under a reasonable belief that he was shooting at the felon.

The use of excessive force by police officers in effecting an arrest is a well-recognized basis for liability under § 1983. The application of undue force by law enforcement officers is generally thought to deprive individuals of liberty without due process of law, in violation of the due process clause of the Fourteenth Amendment, or to represent the use of cruel and unusual punishment in violation of the Eighth Amendment.

Important questions persist as to who may be sued under § 1983. Clearly, police officers, cadets, and trainees may be held liable pursuant to the remedial scheme of the civil rights statutes. Furthermore, the U.S. Supreme Court has recently held that a municipality may properly be named a defendant under § 1983, and the defense of good faith and qualified immunity may not be available to it. Presumably, a county could be named a defendant as well. There is some doubt as to whether or not a police department or supervisory personnel may be sued absent substantial participation in or knowledge and disregard of the conduct which generated the complaint.

Other civil remedies available to private plaintiffs in federal court may be based upon Section 1981 of the Civil Rights Act of 1870, 42 U.S.C. § 1981 (plaintiff must allege that injury was racially related) and Section 1985 of the Civil Rights Act of 1861, 42 U.S.C. § 1985 (which, although requiring intentional and insidious discrimination as a condition precedent to relief, does not make necessary the showing of any racial basis for such discrimination). Section 1985 was designed to protect persons from conspiracies to deny them their civil rights and involves no state action requirement.

The courts have also permitted individuals to sue those who would otherwise be immune under the Civil Rights Acts (such as federal employees) in what has become known as a *Bivens*[18] type suit based directly upon the Thirteenth and Fourteenth Amendments. The scope of this type of action and the variety of potential defendants who may be sued thereunder remain unclear.

The major area of controversy, however, involves the validity of state laws that justify the use of deadly force to arrest "nonviolent" felony suspects, i.e., persons who did not endanger human life in committing a felony and who did not appear to present a substantial risk of causing death or serious injury if an arrest is not immediately effected. The courts faced with this issue have generally attempted to apply a more restrictive rule or standard than the common law "any felon" rule. The U.S. Supreme Court has yet to resolve the issue.[19]

Judicial Challenge to Legislative "Use of Force" Law

As was pointed out elsewhere, there are several forms of legislated statutes to control use of deadly force by police officers.[20] Federal courts generally recognize they are *not* bound by whatever privilege state law may afford. Therefore, an important question is, what standard will a federal court apply in deciding a § 1983 action against a police officer who has shot and killed a felon?

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[18] *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

[19] See: Paul Mogin, "The Policeman's Privilege to Shoot a Fleeing Suspect: Constitutional Limits on the Use of Deadly Force," *American Criminal Law Review*, Vol. 18, No. 4, Spring 1981, American Bar Association and Georgetown University Law Center.

[20] Common Law, Modified Common Law, Model Penal Code.

In most states (42), the use of deadly force is regulated primarily by state law, and to the extent that police conduct falls within the permissible limits of these laws, the use of such force has generally been privileged from civil or criminal liability.[21]

At common law, the authority to use deadly force to effect an arrest was justified if necessary to arrest or combat a fleeing felon, but not a misdemeanant.[22] The rationale of this rule was that all felony offenses were punishable by death, and thus a suspect facing a mandatory death penalty was presumed to be a desperate person and expected to resist by all possible means.

Under modern penal codes, most felonies are not punishable by death. Accordingly, the felony-misdemeanor distinction appears to be inherently outdated. Although most recent studies recommend that deadly force not be permitted in the arrest of nonviolent felons,[23] at least one court has directly held that a state statute authorizing such use of deadly force is unconstitutional.[24]

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[21] Jones v. Marshall, 528 F.2d 132 (2nd Cir. 1975). An officer shot and killed an escaping nondangerous felon. The court stated that in this century there has been a discernible trend away from allowing the use of deadly force by a police officer in effecting a felon's arrest, but that this trend is not so momentous or compelling as to require a court to recognize this type of action.

Wiley v. Memphis Police Department, 548 F.2nd 1247 (6th Cir. 1977). The mother of Freddie Lee Berry (who was shot and killed while fleeing the scene of a burglary) brought a civil rights action against the City of Memphis, its mayor, the police department and city police officers, seeking monetary damages and challenging the constitutionality of the state statute which authorized the use of deadly force whenever officers deemed it necessary to effect the arrest of a felon. The court held that the statute authorizing the police to use deadly force if necessary to effect the arrest of a felon was not unconstitutional; that a police officer had the right to assume that the statute was constitutional and was not required to assume that the burglars were unarmed, especially since the sporting goods store burglarized sold weapons and ammunition; that there was substantial evidence to support the factual findings of the lower court that the police officers were justified in using deadly force under Tennessee law; that there was substantial evidence supporting findings that neither the police nor other defendants discriminated against the plaintiff or her son because of their race; that Tennessee had a clear compelling interest in enacting laws to protect its citizens against felons, and a right if not a duty to do so.

Alabama Attorney General Charles A. Graddick: - "A shooting policy more restrictive than state law violates state constitution. The people speaking through their elected representatives have made it clear that they desire to have peace officers vested with all powers necessary to enforce the laws of this state and to secure that they are able to protect themselves from bodily harm." (Post-Herald Reporter, September 5, 1980.)

[22] J. Miller, Criminal Law § 63, 64 and 83 (1934).
R. Perkins, Criminal Law 10 (2nd 1969).

[23] Model Penal Code § 3.07 (P.O.D. 1962).

The courts nationwide have been unable to establish a standard of law regarding the use of deadly force. For example, in Mattis v. Schnarr,[25] the court would only permit the use of deadly force when:

- A felony suspect cannot otherwise be apprehended AND
- The suspect has used deadly force in the commission of the felony OR
- There is reason to believe that he will employ deadly force if not immediately apprehended.

To reach this conclusion, the court first established the existence of a fundamental right to life for felons fleeing from a police officer; the right as recognized in the due process clauses of the Fifth and Fourteenth Amendments to the U.S. Constitution. Although the court stated it was within the province of the legislature to draft statutes, it did recognize the appropriate guidelines. The court stated that statutes carefully drawn to limit the use of deadly force by law enforcement officers in the apprehension of fleeing felons to situations where the officer has a warrant or probable cause to arrest the felon, where the felon cannot otherwise be apprehended, and where the felon has used deadly force in the commission of the felony or the officer reasonably believes that the felon would use deadly force against the officers or others if not immediately apprehended, would be constitutionally permissible. The Supreme Court of the United States, however, vacated the Mattis v. Schnarr judgment in Ashcroft v. Mattis.[26]

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[24] Landrum v. Moats, 576 F. 2nd 1320 (8th Cir. 1978). The plaintiff, a special administratrix of the estate of her son, brought a civil rights action pursuant to 42 U.S.C. § 1983 and a common law tort action against two Omaha, Nebraska,police officers. The suit emanated from an incident involving the shooting death of the plaintiff's son as he fled from the scene of a burglary. The Eighth Circuit Court of Appeals held that the police officers exercised unreasonable force as a matter of law, under Nebraska law, in firing at the suspect as he fled. This is true because the police officers who pursued and fatally shot the burglary suspect did not believe that the crime for which they were seeking to arrest the suspect involved the use or threatened use of deadly force or that a substantial risk existed that the suspect would cause death or serious bodily harm if his apprehension were delayed.

However, the court did state that the fact that the police officers used excessive force as a matter of law did not preclude the officers from asserting a good-faith defense. An important circumstance in this respect was that the officers had conformed to the police manual, even though those provisions conflicted with the post-incident interpretations of state law. The case was remanded for a new trial.

[25] Mattis v. Schnarr, 547 F.2d 1007 (8th Cir. 1976), a civil rights action was brought by the plaintiff against police officers and the City of Olivette, Missouri, for the death of the plaintiff's son, which resulted from his flight from the police, after warning, during the commission of a burglary. The issue in question was the constitutionality of the Missouri deadly force statute. The Eighth Circuit Court of Appeals held that the Missouri statutes which permit law enforcement officers to use deadly force to effect the arrests of persons who are suspected of having committed a felony unconstitutionally denies due process to the fleeing felon. This is so even if the person has been notified that he or she is under arrest and if the force used was restricted to that reasonably necessary to effect the arrest. The underlying rationale was that the court would not condone a conclusive presumption that all fleeing felons pose a danger to the bodily security of the arresting officers and the general public.

An opposite viewpoint to the Landrum and Mattis holdings was seen by the court in a Long Beach, California, case[27] where essentially the state court held to a defense of life or threat of physical harm philosophy.

The U.S. Supreme Court was unable to specifically address the issue in Ashcroft, and Peterson was settled at the state level. Essentially then, we have no single national constitutional rule for the use of deadly force.

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[26] Ashcroft v. Mattis, 431 U.S. 171 (1977). This case involves an appeal from the Court of Appeals' decision in Mattis v. Schnarr. In Ashcroft v. Mattis, the Supreme Court of the United States vacated the judgment of the Court of Appeals. Since the District Court had decided that the defendant police officers were not liable in appellee's suit against them for shooting and killing his son, the suit no longer presented a live "case or controversy" entitling the appellee to a declaratory judgment. Thus the Supreme Court was unable to decide the question concerning the constitutionality of the Missouri statutes permitting police to use deadly force in apprehending a felon and the Court of Appeals decision on this matter must also be vacated. Any emotional satisfaction that the appellee would obtain from a ruling that his son's death was wrong is insufficient to meet the case-or-controversy requirement. The case hinges on the fact that the District Court has found the police officers not liable as a good faith defense had been established; thus any decision on the constitutionality of the statutes in question would be merely an advisory opinion.

[27] Peterson v. City of Long Beach, 72 Ca. 3rd 852 (1977). The victim of a burglary discovered his property at the apartment of the suspect. The police were called and units were dispatched to a "459 in progress." Upon their arrival, the officers were led to believe that a burglary was, in fact, in progress. One of the officers observed the suspect climbing out a window and escaping over a balcony. The officer ordered the suspect to halt. When the suspect refused to stop, the officer shot and killed him. The suspect was unarmed and had made no movements which indicated he might have possessed a weapon. The officer later testified that he shot the suspect because the suspect was believed to be a fleeing felon.

The court ruled that the police officer used excessive force and was negligent as a matter of law when he shot the unarmed, escaping burglary suspect. The court held that since there was no evidence tending to show that the crime committed was one involving physical harm or the threat of physical harm to any person, the City of Long Beach was liable as a result of the officer's negligence. In holding that the officer was negligent, the court based its decision on the rationale of the Kortum case.

Judicial Use of Department Policy

Most of the 53 law enforcement agencies studied currently restrict their personnel to a firearms use policy patterned after the Model Penal Code (see Appendix N).

Even though state law may permit the "common law any felony" or "modified common law" privilege, plaintiffs in police shooting incidents will generally try to introduce departmental policy as evidence of the way the officer should be held accountable. This is, of course, in addition to bringing in outside "experts" who will testify to a "known" national standard of conduct. The plaintiff will then claim that failure of the officer to abide by departmental directives constitutes evidence of negligence.

Regarding this most critical issue, administrators must presently choose between two opposite viewpoints of whether and when to permit the use of deadly force.

The California Standard. The California courts have generally permitted departmental written directives that are more restrictive than state law to be entered as evidence against police officers who have used deadly force.[28] This has understandably caused many police chief executives to do away with police department directives that restrict police use of deadly force beyond that permitted by the state law.

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[28] Dillenbeck v. City of Los Angeles, 72 Cal. Rptr. 321, 446 P. 2d 129 (1969). The court held that the safety rules of an employer are ...admissible as evidence that due care requires the course of conduct prescribed in the rule. Such rules implicitly represent an informed judgment as to the feasibility of certain precautions without undue frustrations of the goals of the particular enterprise. The court holding also indicated that rules were admissible on the ground that an employee's failure to follow a safety rule promulgated by his employer serves as evidence of negligence.

Although this case was a traffic homicide, it set a standard for later cases of homicide by firearm. See: DeLong.

DeLong v. City and County of Denver, 530 P. 2d 1308 (Colo. App. 1947), affirmed 545 P.2d 154 (1976). The Colorado Court of Appeals reversed a trial court that did not permit police department rules to be admitted into evidence. The court stated that the rules and regulations of the police department should have been admitted as an exhibit evidencing the standard of due care.

Grudt v. City of Los Angeles, 2 Cal. 3d 375,86 Cal. Rptr. 465, 468 P. 2d 825 (1970). Held that a department's written firearms policy as stated in the police tactical manual on the use of firearms was competent evidence relative to the question of due care and that the policy may be introduced into evidence in a wrongful death lawsuit and that police officers' deviation from that policy is evidence of negligence, even though the use of deadly force in this case was permitted under California Penal Code.

Vallas v. City of Chula Vista, 128 Cal. Rptr. 469 (App. 1976). In this case, again under California law, the police officer had the right to use deadly force. However, the police department manual restricted the use of deadly force beyond the scope of this case. The manual was ultimately admitted into evidence.

Peterson v. City of Long Beach, 594 P. 2d 477 (Cal. Sup. Ct. 1979). The trial court held that the police officer's conduct, shooting an unarmed escaping burglary suspect, did not constitute a negligent or wrongful act as long as that conduct was within the permissible limit of the California Penal Code. The trial court ruled that the officer's use of deadly force was justifiable.

The California Supreme Court reversed the opinion of the trial court stating: if the police officer violated the written directives of his department, it raised a presumption of negligence which the officer must rebut to excuse himself from liability.

It should, however, be noted that Ford v. Breier[29] suggests that while a police chief might avoid the creation of liability by not promulgating a written directive, he could also be subjecting himself to vicarious liability for a failure to properly direct his subordinates and limit their discretion in critical field situations.

The Florida Standard. The opposite viewpoint comes basically from the State of Florida. The Florida courts have held that the introduction of internal police department policy, procedure, or training manual cannot be used as the official standard of due care in a litigation suit.[30]

Employee Rights. A third major point of controversy regarding departmental policy has surfaced at the hands of citizen taxpayers and police employee organizations. These two groups have challenged the right of police administrators to promulgate department policy that differs from state law.[31]

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[29] Ford v. Brier, 383 F. Supp. 505 (E.D. Wis. 1974).

[30] City of St. Petersburg v. Reed, 330 So.2d 256 (Dist. Ct. App. 1976). The court concluded that the introduction of a departmental order into evidence was a reversible error. "The effect of a departmental regulation limiting the right of a policeman to use deadly force was considered in an opinion of the Attorney General. The opinion held that such regulation would be invalid. ...In a suit for assault and battery, state-wide standards for the use of deadly force must be controlling. Thus we hold that the introduction into evidence of the safety order was error."

See: Chastain v. Civil Service Board of Orlando, 327 So.2d 230 (Dist. Ct. App. 1976).

[31] Long Beach Police Officer Association v. City of Long Beach, 61 Cal. 3d (1976). The plaintiff, a police officers' association, claimed that the rights of its members had been violated by a provision in the police department manual which provided that an officer could discharge a firearm to: (1) effect an arrest, (2) prevent an escape, or (3) recapture an adult felony suspect only when the officer had reasonable cause to believe that "(a) the crime for which the arrest is sought involved conduct including the use of deadly force and (b) there is substantial risk that the person whose arrest is sought will cause death or serious bodily harm if apprehension is delayed."

The court of appeals, in upholding the Long Beach Police Department's shooting regulation, concluded that it was neither unconstitutional nor in conflict with the California Penal Code. "An officer in the field, faced with making a split-second decision under stress, should not be expected to make fine theoretical distinctions based on speculation concerning the suspect's future conduct."

Kortum v. Alkire, 138 Cal. Rptr. 26 (1977), the city residents and taxpayers brought an action challenging the legality of certain city police department directives and practices with respect to the use of deadly force. The California Court of Appeals held that the police department regulations conformed to state statutes which, as judicially construed, were not unconstitutional and therefore the regulations were valid. The court reasoned that deadly force authorized by statute and regulations may be resorted to only if the felony is a "forcible and atrocious one" which threatens death or serious bodily harm or there are other circumstances which reasonably create a fear of death or serious bodily harm to the officer or other person.

These three types of cases--California standard, Florida standard, and employee rights standard--have merely added to the already confusing situation that exists with the any felony, atrocious felony, and model penal code controversy. This state of confusion has prompted several jurisdictions to introduce legislation that would preclude department policy being used in legal litigation. An example of such a proposal states:

> Written policies, procedures, rules, guidelines, orders, or directives of an employing law enforcement agency concerning the discharge of duties by its officers and employees having the powers of peace officers shall not be admissible as evidence of a standard case of negligence in any civil action other than disciplinary proceedings between the agency and its officers and employees.[32]

Additionally, the Americans for Effective Law Enforcement in their Legal Defense Manual[33] makes the following recommendations regarding the police chief executive and use of deadly force policy:

- Police chiefs and other administrators should not be dissuaded from promulgating safety rules and policy directives due to the threat of civil liability.
- It is inconsistent with modern management to leave unfettered discretion (as to when an officer may use his firearm) to the lowest ranks--this is not to suggest that any particular restrictive policy is meritorious, only that planning and policy-making should be centralized at the highest administrative levels.
- Written directives which restrict a police officer's action beyond the requirements of state law should contain an explanation of their intended purposes. Suggested wording is as follows:

  > This directive is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a nonjudicial administrative setting.

It is the opinion of the IACP legal staff that such a warning is probably not sufficient to preclude the admissibility of department directives in a civil negligence suit. It is, however, concluded that such a warning is advisable merely as an arguable issue for attorneys for the defense to show intent of the administrator.

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[32] Proposed Legislation: Dade County, Florida § 23.0761.

[33] AELE Legal Defense Manual, "Admissibility of Police Written Directives in Litigation," Brief No 76-5 P. 14 (Oct. 76).

Police Officers' Failure to Use Deadly Force

It is well recognized at common law that a law enforcement officer may be held liable to persons injured as a consequence of the officer's failure to perform the duties of his office, to wit: preserve the peace,[34] arrest lawbreakers.[35] Nevertheless, it is generally held that the specific duty to preserve the peace is one which the officer owes to the public generally, and not to particular individuals, and that the breach of such duty accordingly creates no liability on the part of the officer to an individual who was damaged by the lawbreaker's conduct.[36] A law enforcement officer is amenable only to the public and punishable only by indictment for the breach of his duty as conservator of the peace.[37]

Intrastate/Interstate Control of Police Firearms

The issue of police use of deadly force within the officer's normal geographical jurisdiction, although legally unsettled, is nevertheless at least restricted to a minimum amount of local interpretation. To complicate matters even further, police officers are often required to travel, both intrastate and interstate, on official business to execute arrest warrants, attend training sessions, and even travel to and from their work station to their place of residence.

The legal burden on the local law enforcement officer, confusing as it may be locally, is compounded when that officer must travel with his weapon *inter*state. The issue now becomes twofold:

- Can the officer carry a weapon outside his local and state jurisdiction?
- What is the use of deadly force law in the state traveled to?

There are varying sets of rules for the 50 states and the District of Columbia regarding the carrying of a weapon. An officer wishing to travel interstate must be aware of his legal authority in each state through which he intends to pass.

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[34] *Am. Jur., Sheriffs, Police, and Constables* (1st ed. §37).

[35] *Ibid.*, at §35.

[36] *Ibid.*, at §132.

[37] *Ibid.*

III

JUSTIFIABLE HOMICIDE BY THE POLICE

EXPLORING POSSIBLE CAUSAL RELATIONSHIPS

The views concerning causes of justifiable homicide by the police have been expressed on numerous occasions by many persons. Societal factors such as the emphasis on gun ownership and public sentiments against ownership registration contribute to police having to resort to deadly force.[1] Kania and Mackey[2] found that variation among states in the rates of police use of deadly force is significantly correlated with public rates of violence. Police use of violence is seen by these researchers as a culturally determined characteristic. Another research effort found that violence by police is usually situational in nature; there is a unique set of dynamics of personality, stress, and danger particular to each situation.[3] That is, there are no overarching causal variables common to most instances of excessive use of force by police.

Another rather major perspective frequent among police practitioner-researchers suggests that the amount of stress encountered by an officer in a given situation will bear directly upon the officer's behavior.[4] Police officers tend to overreact and overcompensate with excessive force under extremely stressful conditions in order to allay personal feelings of insecurity and danger.[5]

Police training, central to controlling the use of deadly force, has been heavily devoted to many aspects of the use of deadly force. In a recent survey,[6] an average of 90.4 training hours in the sample departments were devoted to "Patrol Procedures" and "Weapons" out of an average total 414.8 hours of courses. The series of Training Keys and Legal Points published by the IACP and distributed widely provides intensive policy and procedure guidance on the use of deadly force.[7] A timely inquiry into the street-level factors and circumstances which bear on the decision-making behavior of the police officer in a potential shooting incident was presented in a network television program. Of special prominence in that report was the role of training.[8]

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[1] Victor I. Cizanckas, "Perspectives on Crime and Crime Prevention." Crime Prevention Review, Volume 1, Number 1, October 1973, pp. 1-10.

[2] R. R. Kania and W. C. Mackey, "Police Violence as a Function of Community Characteristics." Criminology, Volume 15, Number 1, May 1977, pp. 27-48.

[3] Michael Katz, "Violence and Civility in a Suburban Milieu." Police: Perspectives, Problems, Prospects. Donal E. J. MacNamara and Marc Riedel. (Washington: Prager Publishers, 1974), pp. 75-88.

[4] Daniel Cruse and Jesse Rubin, Determinants of Police Behavior, (Washington, D.C.: U.S. Department of Justice, NILECJ, 1972).

[5] George Kirkham, "On the Etiology of Police Aggression in the Black Communities." Police Roles in the Seventies, Jack Kinton (ed.), Social Science and Sociological Resources, 1975, pp. 167-194.

[6] NASDLET Survey of 1975, reported in The National Manpower Survey of the Criminal Justice System, Volume Two. LEAA, September 1978.

The vagueness of police administrative policies, variation across jurisdictions in the laws governing the use of deadly force, and changes in the law based on recent court cases have all been posed as reasons for the excessive use of force.[9]

In our present research, we have attempted to address several of these theories or implications to police use of deadly force. Some we treat very casually and others more in depth. The level of treatment was determined very early in our research design from preconceived hypotheses. The issues treated more lightly will in some instances be addressed more thoroughly in other research projects scheduled to be released at the same time ours is completed.[10] Those issues receiving limited attention include (1) gross population, (2) recession, (3) criminal rehabilitation, and (4) firearms abuse. Those issues receiving more concentrated analysis include:

- The law
- Race
- Crime
- Police policy

Population/A Causal Relationship. Population density, stability, and ratio to number of police officers have long been considered as factors in the overall crime rate. Police departments have generally attempted to maintain a certain ratio of officers to gross population (such as 1:1000). This study, as others before, indicates that population itself is a predictor of the volume of justifiable homicide by the police. Likewise, we know that gross number of police officers also correlates to the number of justifiable homicides. Later in this report we will show a positive correlation of the police officer: population ratio to the rate of justifiable homicide. That is, the higher the officer: population ratio, the higher the rate of justifiable homicide by the police.

Recession/A Causal Relationship. Ever since the Wickersham Report showed that larcenies rise as unemployment rises, psychologists and sociologists have been suggesting that crime and unemployment are directly related.[11] The relationship of violent crime to the justifiable homicide rate is treated more thoroughly in a succeeding section of this study; the conclusion being that the two are positively correlated.

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[7] International Association of Chiefs of Police, Training Key: No. 82, "The Use of Firearms," No. 231, "Robbery Response," No. 277, "Use of Deadly Force," No. 278, "Improper Use of Deadly Force." Legal Points: "Use of Deadly Force I: Connected with Arrests," "Use of Deadly Force II: Negligent Use," "Use of Deadly Force III: Self Defense - Riots - Administrative Restrictions."

[8] "Sixty Minutes," January 14, 1979.

[9] Signey H. Asch, Police Authority and the Rights of the Individual. (New York: Arco Publishing Company, Inc., 1971). Barbara Rhine. "Kill or Be Killed" Use of Deadly Force in the Riot Situation" in Law of Dissent and Riots, M. C. Bassiouni (ed.), 1971, pp. 265-313. Joe Anthony Mele. Police Legitimation of Violence. University of Eastern Kentucky: Master's Thesis, 1974. S. C. Day, "Shooting the Fleeing Felon - State of the Law." Criminal Law Bulletin, Volume 14, Number 4, July-August 1978, pp. 285-310.

[10] University of California, Irvine; National Urban League; National Council of La Raza.

Criminal Rehabilitation/A Causal Relationship. The entire concept of criminal apprehension, adjudication, and rehabilitation appears to be a social failure as illustrated by uniform crime records that show a profile of persons responsible for killing law enforcement officers (Table 10). These numbers indicate that officers must repeatedly confront individuals who have previously demonstrated their disregard for law and order. More explicitly, eight percent of the police officer murderers were previously arrested for assaulting a police officer, and a total of 16 percent were on parole or probation at the time of the killing.[12]

From 1930 to 1972, 3,859 persons were executed by the United States for various crimes committed. In 1972 the Supreme Court[13] suspended capital punishment and some have said that the ensuing rise in crime rates in this country is the result. This debate continues with very little empirical evidence of cause and effect. We know that approximately 86 percent of the capital punishment victims were convicted murderers. If one believes a direct relationship exists, then one should also expect a sharp rise in homicide after the prohibition of capital punishment. Homicide did, in fact, rise steadily from 1972 through 1974 and then went down, reaching a six-year low in 1976, and without another capital punishment change made a significant rise to the present level.

Firearms Abuse/A Causal Relationship. In 1979, the FBI Uniform Crime Reports indicate that 63.3 percent of all murders, 40 percent of all robberies, and 23 percent of all aggravated assaults reported to the police in the United States are committed with firearms. Additionally, 94 percent of the law enforcement officers killed were slain with firearms. Proponents[14] of handgun regulation argue that if these instruments of violent crime were more difficult to obtain, the number of such crimes would be reduced.

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[11] H. Brenner, "Estimating the Social Cost of National Economic Policy: Implication for Mental and Physical Health and Criminal Aggression," Paper No. 5, Joint Economic Committee, U.S. Congress (1976).

D. Glaser and K. Rice, "Crime, Age and Employment," American Sociological Review, 24.5: 679-686 (1959).

B. M. Fleisher, The Economics of Delinquency (Chicago: Quadrangle, 1966).

[12] FBI, Crime in the United States 1979 (Washington, D.C.: U.S. Department of Justice, 1980).

[13] Furman v. Georgia, 408 U.S. 238 (1972).

[14] Peter W. Rodino, Jr., Chairman, U.S. House of Representatives, Committee on the Judiciary, Gun Control Legislation, "To Have or Have Not," Law Enforcement Communication, Aug. '80.

"Big New Drive for Gun Controls." U.S. News and World Report, v. 78, Feb. 1975.

T. Block, Gun Control - One Way to Save Lives New York, Public Affairs Committee, Inc., 1976

B. L. Danto, "Step Toward Control of Violence by Firearms," Police Law Quarterly, v. 3 (Jan. 1974).

A. Etzioni and R. Remp. Technology Whose Removal Works - Gun Control. Technological Shortcuts to Social Change (New York: Russell Sage Foundation, 1973).

TABLE 10

POLICE OFFICERS MURDERED - PROFILE OF OFFENDERS 1975-1979

	Percent
Male	96
Female	4
White	49
Black	49
Other	2
Prior Criminal Arrest	71
For Crime of Violence	36
For Murder	4
For Narcotic Drug Violation	17
For Weapon Violation	22
For Assaulting or Resisting Police Officer	8
Convicted on Prior Criminal Charge	52
Convicted and Granted Leniency	37
On Parole or Probation at Time of Killing	16

Source: FBI Uniform Crime Reports, Crime in the United States, 1979.

This theme has been echoed in city after city, as crime began to explode in 1979, reaching record levels in 1980. District of Columbia metropolitan police say the proliferation of handguns is one of the most terrifying aspects of the city's rising crime rate, even though the District has one of the toughest gun control laws in the country. For the past five years (1976-1981) it has been illegal for a District resident to buy or sell a handgun in the city. Yet, since 1976, District police have confiscated an average of eight guns per day or about 3,000 per year.[15] This may be made possible by the ease of purchasing firearms in adjoining Maryland and Virginia.

Houston, Texas, police estimate that approximately one-third of the city's motorists are armed.[16] Support for this estimate can be found in Brill's[17] study of 10 U.S. cities. He reports that Houston ranks first in firearms availability. In Miami, Dade County, Florida, where the per capita murder rate has jumped from about 20 killings per 100,000 residents in 1979 to 314 in 1980,[18] police records show handguns selling at the rate of about 51,000 per year. Private industry, also a victim of rising crime, is employing and arming more security personnel at an alarming rate. Their ranks have grown in number by more than 75 percent since 1970. Remarkably, security guards today outnumber public police officials.[19]

Ever since the early 1930s, public opinion polls have shown that the majority of Americans favor more handgun control.[20] The IACP in 1931 at an Executive Committee meeting expressed a desire for uniform law governing the sale of pistols and revolvers.[21] And, as recently as 1978, the IACP endorsed federal regulations to require better record-keeping by handgun manufacturers, importers, and dealers. Several federal legislative attempts have been made over the years to curb the sale, transportation, and use of firearms.[22] The most recent legislative attempt occurred in 1980.[23] The major force behind this legislation in recent years has been Peter W. Rodino, Jr., U.S. House of Representatives, Chairman, the Committee on the Judiciary for Gun Control Legislation.

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[15] Washington Post, March 8, 1981.

[16] Newsweek, March 1981.

[17] Steven Brill, Firearms Abuse: A Research and Policy Report, (Washington, D.C.: Police Foundation, 1977).

[18] Security Systems Digest, November 19, 1980.

[19] Ira A. Lipman, "Guns for Hire," The New York Times, Nov. 23, 1980.

[20] See: Rodino, "To Have or Have Not."
See: Gallup Poll, Feb. 1980.
See: Cambridge Reports, Inc. 1978.

[21] The American Rifleman, Aug. 1931.

[22] 1934 National Firearms Act.
1938 Federal Firearms Act.
1968 The Gun Control Act.

[23] House Bill 5823, 1980.
Senate Bill 1936, 1980.
Provisions: (1) Bans manufacturing, importing, assembling or selling of "Saturday Night Specials" and other "easily concealable handguns" (2) Licensed importers, manufacturers, and dealers would be required to keep records of their handguns for 10 years (3) A 21-day waiting period for purchase would be standard (4) Persons who fail to report a theft would be subject to civil or criminal penalties (5) If a person illegally sold a firearm to someone who used it to commit a crime, the seller would be civilly liable to the victim (6) The Federal Government would provide financial support to states which compensate victims (7) Pawnbrokers would be prohibited from selling handguns (8) Dealers would be prohibited from selling more than three handguns to a person in a single year (9) Increase of licensing fee from $10 to $500 and increase manufacturing and import fees from $50 to $5,000.

Proponents of disarming the police have often cited the police response to deadly force in foreign countries where many officers do not carry firearms. Officers of the London Metropolitan Police collectively fired their weapons a total of eight times in 1979. From January 1, 1946, through September 30, 1966, only 19 sworn members of the British police were fatally injured.[24] By way of contrast, during the same period, 1,014 American police officers were murdered in the line of duty.[25]

Table 11 presents a comparison of violence in the United States, selected U.S. cities, and other nations.

The police reportedly arrest between 150,000 and 200,000 people for weapons offenses each year.[26] Previous research by Brill in 10 cities suggests a relationship between the "firearms abuse rate" and the overall murder rate.[27] Sherman found a similar relationship between the police fatal shooting rate per population and gun density in 48 cities.[28] Farley notes in his works that the progressive rise in homicides has been concurrent with the growth in handgun sales. His research indicates that a reduction in the gun supply would have the greatest impact on homicide rates and overall life expectancy of blacks in particular.[29]

Our own research findings regarding firearms are similar to those cited above. We found a significant correlation between arrests for weapons violations and the rate of justifiable homicide (see Table 25).

Crime: A Relationship to Justifiable Homicide by the Police

We are a violent people--witness the 1979 reported crime statistics:[30] 21,456 murders, 75,989 forcible rapes, 466,881 robberies, 614,213 aggravated assaults, 164,200 arrests for weapon violations. As Jacobs[31] indicates, no number of officers can enforce civilization where the normal casual enforcement of it has broken down. Dr. Samuel Yochelson, after 15 years of studying the problem of criminality from the vantage point of a psychiatrist working with the "criminally insane" at St. Elizabeth's Hospital in Washington, D.C., states unequivocally that he has not come across one criminal whose criminality was a product of mental illness...the criminal is not sick, he simply prefers a life of crime. The life of crime is more exciting, more rewarding, demands no responsibilities, and in a world of bill-paying squares, the criminal is king...society, in rushing to understand the obscure, has forgotten to note the obvious: that criminals are criminals, first and foremost, because they prefer it that way. They will it, choose it.[32]

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[24] Chapman, Samuel, The Police Chief (1967). Letter to Sam Chapman from B.N. Bebbington, Director of Police Research and Planning Branch, Home Office, London, England (Nov. 17, 1966).

[25] Chapman, Samuel, The Police Chief (July, 1967). Letter to Sam Chapman from Jerome Daunt, Chief, UCR Section, FBI (Dec. 20, 1966).

[26] FBI, Crime in the United States, U.S. Dept. of Justice (1975, 1976, 1977, 1978, 1979).

[27] Brill, 18, Note: Firearms abuse rate = number of murders, robberies, aggravated assaults committed with firearms to number of population.

[28] Lawrence Sherman and Robert Langworthy, "Measuring Homicide by Police Officers," Journal of Criminal Law and Criminology 546 (1979).

[29] Reynolds Farley, Crime Control Digest, January 1981.

[30] FBI, Crime in the United States 1979.

[31] J. Jacobs, The Death and Life of Great American Cities (New York: Random House, 1962).

[32] Samuel Yochelson, The Criminal Personality, Vol.1 (New York: Aronson (Jason, Inc.), 1976).

TABLE 11

UNITED STATES - FOREIGN COUNTRIES
A COMPARISON OF VIOLENCE

Country/City	Population		Rate/100,000
United States	200 million	21,456 homicides	10.7
France	53 million	1,645 homicides	3.1
London	7 million	179 homicides	2.6
New York City	7 million	1,733 homicides	24.7
Los Angeles	3 million	786 homicides	26.2
Chicago	3 million	856 homicides	28.5
United States	200 million	13,581 homicides by firearms	
Canada	24 million	207 homicides by firearms	
Japan	115 million	171 total crimes involving use of a firearm	
West Germany	60 million	69 crimes involving murder or robbery with firearm	

Sources: FBI Uniform Crime Reports 1979.
The Washington Post, December 21, 1980.

Margarita[33] makes a similar analogy by her finding that most murders of police officers are not manifestations of mental illness, but rather indicate clear calculations made by both professional and amateur criminals who use violence against police only to avoid apprehension and to escape from the scene of some illegal activity.

Bearing these thoughts in mind, the police, although existing primarily to prevent crime, are more realistically mere reactionaries to crime but only after the police and, more importantly, the community, controls have broken down. The police, then, often react to society's propensity for violence with their own manner of violence (justifiable homicide). For, like many other social diseases, violence may be contagious.

A Correlation Over Time

In Table 12 an attempt is made to show how violence (represented by robbery, police officers murdered, justifiable homicide by civilians, and other community homicide) may be a link to justifiable homicide by the police. We compiled combined crime and justifiable homicide data from 57 cities in each of 10 years (1970-1979). The results show a positive correlation (over a 10-year period) of robbery (.6007), police officers murdered (.5567), justifiable homicide by civilian (.4812) to justifiable homicides by the police. Total homicide also tends to show a relationship but with insufficient statistical significance. Tables 13 through 16 reflect the statistical data used to make the above correlations. Graphs 2 through 5 are used to illustrate the correlations. See Appendix F and G for a more detailed account of these statistics by city.

TABLE 12

CORRELATION
57 U.S. CITIES*
JUSTIFIABLE HOMICIDE BY POLICE : VIOLENCE INDICATORS
1970-1979

Justifiable Homicide by Police :

.6007	Robbery Offenses
.5567	Police Officers Murdered
.4812	Justifiable Homicide by Civilians
.2730	Homicide by Civilians

*57 cities each with a population of 250,000 or more.

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[33] Mona Margarita, "Killing the Police: Myths and Motives." 452 Annals of American Academy of Political and Social Science, 63 (November 1980).

TABLE 13

JUSTIFIABLE HOMICIDE BY POLICE : ROBBERY
1970-1979

Year	Robbery	Justifiable Homicide by Police
1970	248,796	291
1971	268,538	388
1972	248,504	314
1973	246,440	317
1974	276,479	356
1975	286,335	360
1976	262,489	268
1977	244,470	262
1978	247,571	249
1979	276,387	289

Correlation = 0.6007

Source: FBI Uniform Crime Reports (1970-1979).

GRAPH 2

JUSTIFIABLE HOMICIDE BY POLICE - ROBBERY
1970-1979

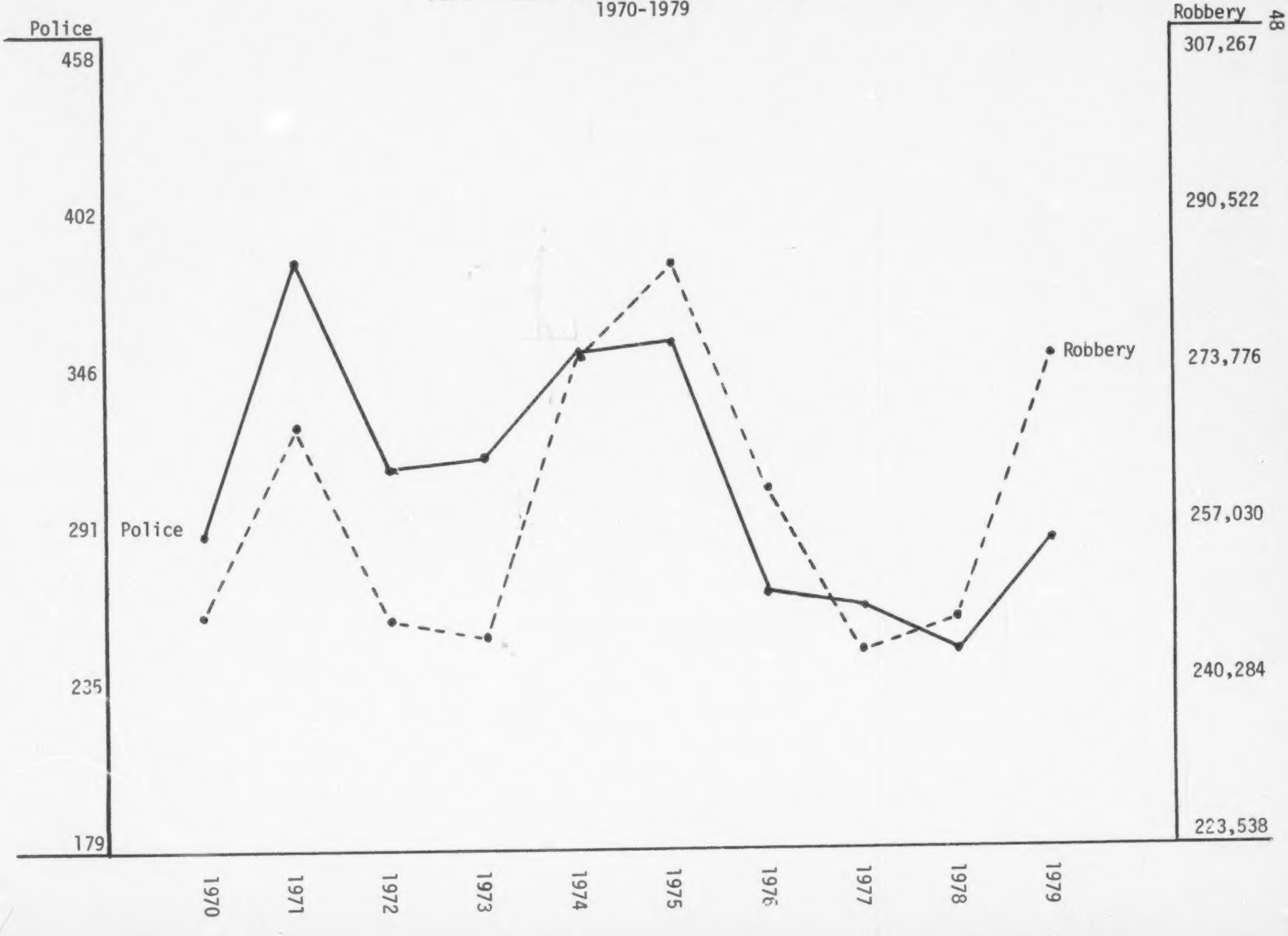


TABLE 14

CORRELATION
JUSTIFIABLE HOMICIDE BY POLICE : OFFICERS MURDERED
1970-1979

Year	Officers Murdered	Justifiable Homicide by Police
1970	25	291
1971	22	388
1972	26	314
1973	43	317
1974	41	356
1975	38	360
1976	26	268
1977	13	262
1978	18	249
1979	18	289

Correlation = 0.5567

Source: FBI Uniform Crime Reports (1970-1979).

GRAPH 3

JUSTIFIABLE HOMICIDE BY POLICE - POLICE OFFICERS MURDERED
1970-1979

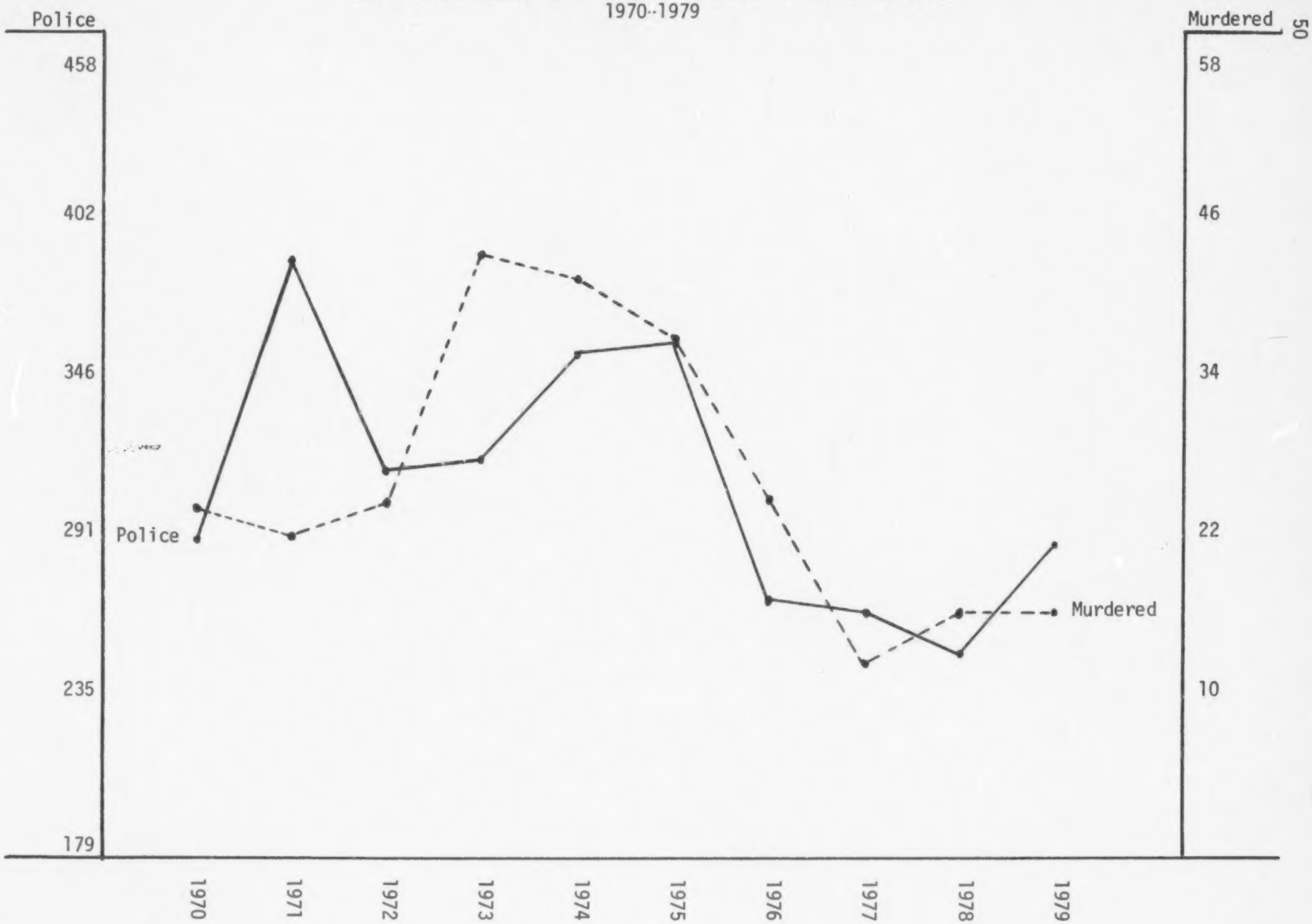


TABLE 15

CORRELATION
JUSTIFIABLE HOMICIDE BY POLICE : JUSTIFIABLE HOMICIDE BY CIVILIAN
1970-1979

Year	Justifiable Homicide by Civilian	Justifiable Homicide by Police
1970	246	291
1971	245	388
1972	251	314
1973	249	317
1974	264	356
1975	301	360
1976	285	268
1977	190	262
1978	192	249
1979	277	289

Correlation = 0.4812

Source: FBI Uniform Crime unpublished records (1970-1979)

GRAPH 4

JUSTIFIABLE HOMICIDE BY POLICE - JUSTIFIABLE HOMICIDE BY CIVILIAN

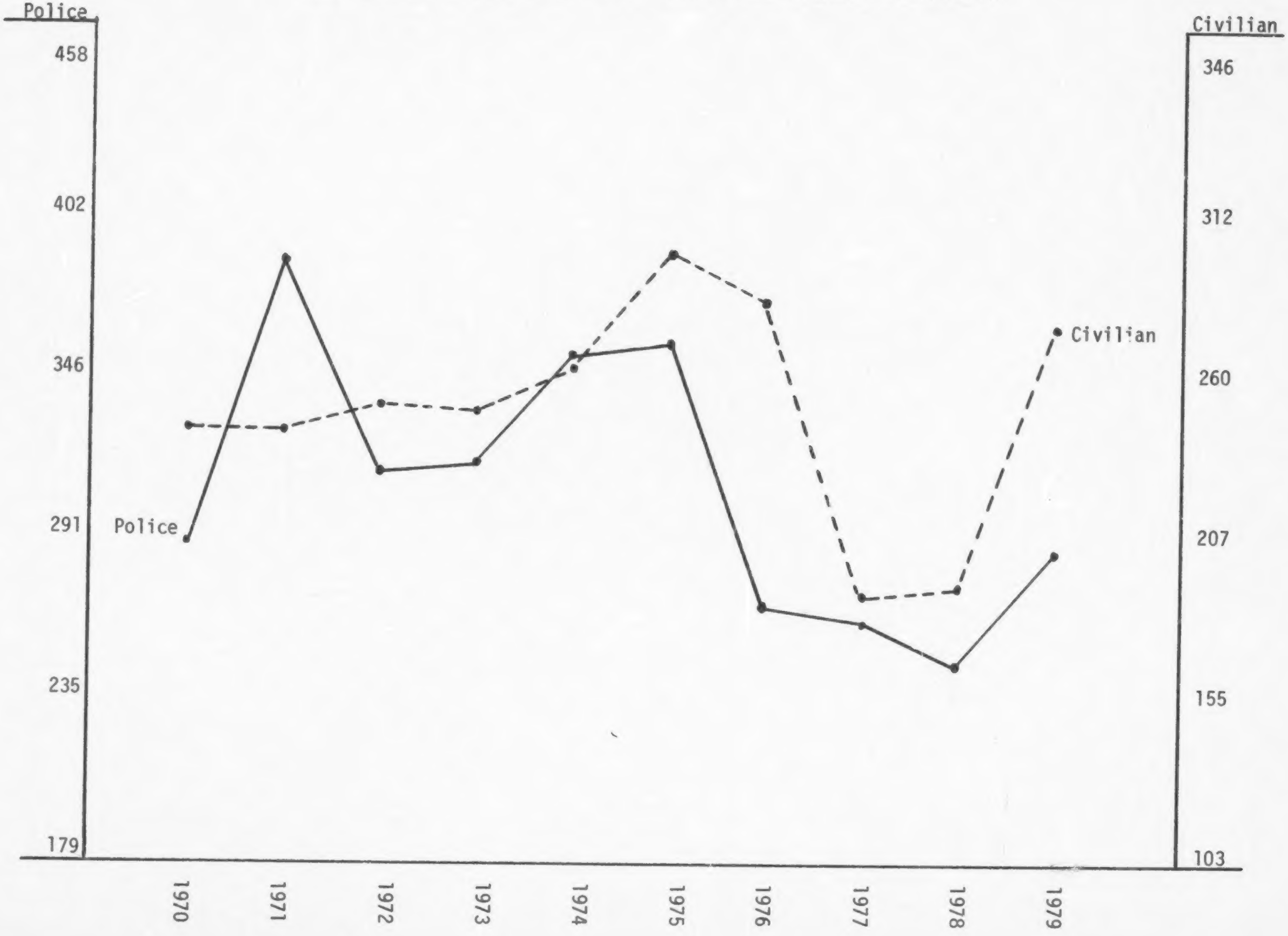


TABLE 16

CORRELATION
JUSTIFIABLE HOMICIDE BY POLICE : COMMUNITY HOMICIDE
1970-1979

Year	Community Homicide*	Justifiable Homicide by Police
1970	7,424	291
1971	8,160	388
1972	8,432	314
1973	8,883	317
1974	9,171	356
1975	8,969	360
1976	8,123	268
1977	8,160	262
1978	8,350	249
1979	9,532	289

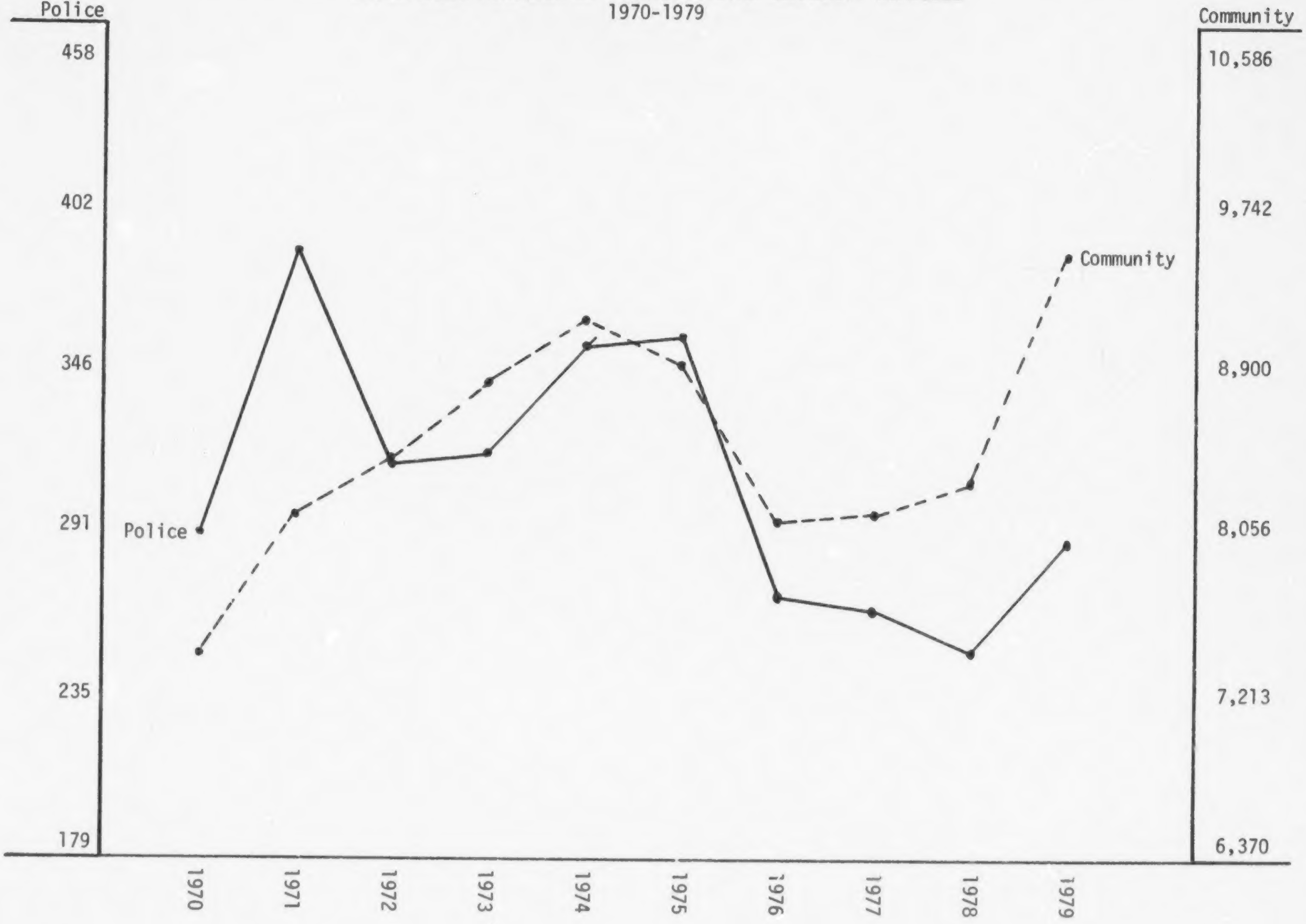
Correlation = 0.2730

*Does not include justifiable homicide by police or citizen.

Source: FBI Uniform Crime Reports (1970-1979).

GRAPH 5

JUSTIFIABLE HOMICIDE BY POLICE - TOTAL COMMUNITY HOMICIDE
1970-1979



A Correlation Among Cities

Table 17 presents a comparison of violence indicators (homicide, robbery, violent crime, justifiable homicide by civilian, and police officers murdered), population, and the number of police officers to justifiable homicide by the police. This comparison is between cities and uses an average of data from five years (1975-1979). (See Appendices H and I.) The results of this comparison show a positive correlation of justifiable homicide by the police to:

- Homicide
- Police officers murdered
- Justifiable homicide by civilian
- Robbery
- Violent Crime

and

- Population
- Number of police officers

The positive relationship of homicide, robbery, and violent crime to justifiable homicide by police is supported in other deadly force research.[34]

Killing of Police Officers. In 1970, the International Association of Chiefs of Police began research into the facts concerning number and circumstances of police officers killed in the line of duty. A follow-up to that research has been the annual FBI publication "Law Enforcement Officers Killed." This publication is supported by daily reporting by federal, state, county, and local law enforcement agencies. These daily reports are transmitted immediately via the National Crime Information Center (NCIC) to every member agency. The computer printouts of police deaths are then read or posted in most daily police roll call sessions. Thus, a single police officer death anywhere in the country becomes a very close (brother officer) personal loss to every police officer.

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[34] Richard Kania, Wade Mackey, "Police Violence as a Function of Community Characteristics," Criminology 15 (1977), pp.27-28.

Margarita, "Killing the Police: Myths and Motives."

James Fyfe, Shots Fired: An Examination of New York City Police Firearms Discharges (Ann Arbor, Mich.: University Microfilms International, 1978).

William A. Geller and Kevin J. Karales, Split Second Decisions: Shootings of and by Chicago Police (Chicago: Chicago Law Enforcement Study Group, June 1981).

TABLE 17

INTERCITY CORRELATION
54 U.S. CITIES*
FIVE-YEAR (1975-1979) AVERAGE

Justifiable Homicide by Police :

.8863	Homicide
.6816	Justifiable homicide by civilian
.5509	Police officers murdered
.7643	Robbery
.7791	Violent crime
and	
.8310	Population
.8306	Number of police officers

*54 cities each with a population of 250,000 or more.

This personal loss may be transferred into anxiety about his own personal safety. The officers make mental[35] notes about the circumstances of the killing, the perpetrator, his race, sex, age, criminal history, type of vehicle owned, living habits, etc. These conditions are then consciously or subconsciously treated with a lot of caution for at least a short period of time (the current tour of duty), if not much longer. This in turn may cause an overreaction to future confrontations featuring a similar scenario.

Psychologists and sociologists have long indicated that the uniformed police officer is an advertised marked symbol of society. Any demented individual wanting retribution against society can easily choose the police officer as his target. In Margarita's[36] study of motives behind 245 criminal homicides of New York City police officers committed from 1844 to 1978, she used a social-psychological classification system which identifies five motivating factors (perseverance in violence, defense of personal autonomy, protection against concrete danger, defense or support of others, and expressions of contempt). Of these five, she noted that violent expressions of contempt or disapproval triggered by victim officers who unwittingly stimulate attacks merely by virtue of their identity or physical presence, represented the most-often stated reason for the killings.

Margarita also indicates that most homicides of police officers are conducted by both professionals and amateurs using clear calculations of risk to avoid apprehension and to escape from the scene of some illegal activity. Geller[37] in his research in the Chicago Police Department found that shootings *of* police were *not* correlated over time to shootings *by* police. Our own research indicates the opposite--justifiable homicide by the police *is* correlated to police officers murdered. These correlations are for both intercity comparisons (57 cities) and a group comparison over time (10 years).

Race: A Relationship to Justifiable Homicide by the Police

In designing our project, we conducted a review of previous literature. Each work was reviewed for, among other things, suggestions of causal explanations for the various justifiable homicide rates. As one might expect, the causal explanations varied widely. But none create the level of controversy that is caused by the suggestions[38] of racial discrimination as a major cause of justifiable homicide by the police.

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[35] See: George A. Hayden, *Journal of Police Science and Administration*, Vol.9, No.1, March 1981, "Police Discretion in the Use of Deadly Force: An Empirical Study of Information Usage in Deadly Force Decisionmaking," International Association of Chiefs of Police.

[36] Margarita, "Killing the Police: Myths and Motives."

[37] Geller and Karales, *Split Second Decisions: Shootings of and by Chicago Police*.

[38] Robin, G.D. "Justifiable Homicide by Police Officers" in *Police Patrol Readings*, 2nd ed., Samuel G. Chapman (ed.), 1970.

Berleman, William C. "Police and Minority Groups." *Crime and Delinquency*, April 1972, pp. 160-167.

Goldkamp, J.S. "Minorities as Victims of Police Shootings--Interpretation of Racial Disproportionality and Police Use of Deadly Force." *Justice System Journal*, Volume 1, No. 2, Winter 1976, pp. 169-183.

Pompa, G. G. *Police Use of Excessive Force - A Community Relations Concern*. Address to the National Association for the Advancement of Colored People, Region 3, Annual Conference, Lexington, Kentucky, March 17, 1978.

Lawrence W. Sherman, "Execution without Trial: Police Homicide and the Constitution," *Vanderbilt* Law Review, Jan. 80.

Paul Takagi, "A Garrison State in 'Democratic Society,'" *Crime and Social Justice* 27 (1974).

> Police have one trigger finger for whites and another for blacks.[39]

> In the absence of more conclusive evidence, the demonstrably higher rates of police homicide of blacks strongly suggest racial discrimination on a national basis.[40]

> While we meet here, some police officer somewhere in America is shooting a civilian. And if today's case is typical, that civilian will be a black or a Hispanic person. If that incident follows the averages, it is likely the victim is a young person. It is likely that the incident involved a non-felony offense. It is possible the victim was unarmed. It is possible that the shooting could have been avoided. And it is certain that no punitive action will be taken against the policeman doing the shooting.[41]

> It is estimated that about 600 people die each year at the hand of law enforcement officers...about half are minorities. Typically the incident occurs without justification. Often the victim is unarmed, or not in a position to endanger the officers. In too many cases the victim is shot in the back. Few victims were suspected of serious crimes or of being dangerous...Minority policemen have rarely been involved in such incidents...[42]

These representative statements have caused increased tension between many citizens and the police. These statements, however made, "off-the-cuff," in a prepared speech, or as a part of a research document, have been repeated, misquoted, and taken out of context on numerous occasions. And, unfortunately, words heard often enough, regardless of accuracy, tend to be viewed as factual by many persons. Quite possibly, anytime that a minority group member is killed by a police officer anywhere in the nation, these quotes are somehow made to relate. This mental relationship can then be easily transmitted to the entire community, causing a great deal of misunderstanding, tension, suspicion, and caution of the police.

At this point in time, the validity of such statements is less important than their existence. The mere fact that they were made leads to the conclusion that any future treatment of the issues related to police use of deadly force must include a study of race as a related factor. Our own research has tended to show race as a conspicuous presence in most aspects of criminal offender and victimization.

Before narrowing in on the specific issue of justifiable homicide by the police, consider first a more general treatment of the racial issue, i.e., death and homicide among our black community. Homicide in general among black males is one of our most striking and serious problems, not only from a social point of view but also from a public health viewpoint. Blacks annually represent about 44 percent[43] of our nation's total homicide victims. Statistics compiled by the U.S. Public Health Service show that black males are more likely to be shot to death than to die in an automobile accident and both black males and females in the 25-34 age group are more likely to be murdered than they are to die of any other cause. The Public Health Reports go on to show that more blacks were killed by other blacks in a single year (1977) than died in the entire nine years of the Vietnam War (11,374). Approximately 45 percent of these murder cases are known to be drug- or alcohol-related.[44]

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[39] Dr. Paul Takagi, University of California researcher, in a speech before United Methodist Clergy and Laity, April 1979.

[40] Sherman, "Execution without Trial: Police Homicide and the Constitution."

[41] Vernon E. Jordan, Jr., National Consultation on Safety and Force - Summary Report (Washington, D.C.: U.S. Department of Justice, December 1979), p.7.

[42] Vernon E. Jordan, Jr., To Be Equal - No.17 (Washington, D.C.: National Urban League, April 1980).

Farley[45] in his analysis of health statistics indicates that homicide is the fourth most common cause of death for black males overall after heart disease, cancer, and stroke. Three popular explanations for the high black-to-black homicide rate have been expressed by Gray[46] to include (1) handgun availability, (2) lack of a significant deterrent (capital punishment), and (3) the black social structure (unemployment, dense urban living centers, and low income).

Police Shooting of Blacks

Geller[47] found that in absolute numbers the most common police shooting of a civilian involves a white officer and a black civilian. However, when rates are computed based on the number of officers of each race on the police force, black officers were 2.5 times more likely than white officers to shoot black civilians and white officers were 4 times more likely than black officers to shoot white civilians. Geller also indicated that blacks and whites are approximately equally likely to be shot by police given their exposure to forcible felony arrests.

Fyfe,[48] in his work in New York City, found that both black and Hispanic officers had a higher shooting rate than did white officers, especially so regarding off-duty shootings. He found that the officer's assigned geographic area and the officer's place of residence both played a significant part in the black officer's use of deadly force. He indicated that white, black, and Hispanic police officers would share a very similar shooting rate if they were assigned geographically to the same high crime areas.

In a comparative study[49] of police killings in Philadelphia with nine other cities having populations of 250,000 or more, the research found that victims were overwhelmingly male, relatively young, and were suspected of some crime. Most who were killed had forcibly resisted arrest despite receiving adequate warning as to the possible consequence of their refusal to surrender. Two-thirds of these victim-offenders had previous criminal records and had been sentenced to a penal institution at least once. The number of blacks killed was disproportionate to the number of blacks in the population. The annual ratio of black to white killings was found to be 7.1.

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[43] FBI, Crime in the United States, 1970-1979 (Washington, D.C.: U.S. Department of Justice, 1971-1980).

[44] Public Health Reports, Vol.95, No.6 (Washington, D.C.: U.S. Department of Health and Human Services), pp.549-561.

[45] Reynolds Farley, Crime Control Digest, January 1981.

[46] Charles M. Gray (ed.), "The Costs of Crime," Sage Criminal Justice System Annuals, Vol.12 (1979).

[47] Geller and Karales, Split Second Decisions: Shootings of and by Chicago Police.

[48] Fyfe, Shots Fired: An Examination of New York City Police Firearms Discharges.

[49] Robin, "Justifiable Homicide by Police Officers."

In his treatment of the subject, Goldkamp[50] delineates two basic perspectives. The first perspective, characterized as a quasi-labeling stance, linked the disproportionately high death rates of minority suspects to the impact of some differential policing mechanism which seemed to be operating in American society. The second perspective linked disproportionate minority death rates to disproportionate minority arrest rates for crimes of violence. Arrest rates were assumed to reflect disproportionate actual participation by minorities in violence, and were thereby used to explain why minorities might be found to a disproportionate extent among fatalities resulting from violent encounters with the police. Higher actual participation in violent incidents by minorities was related to some differences which were apparently linked with minority status (principally race or ethnicity). A look at recent victimization studies[51] reveals that disproportionate minority arrests do appear to reflect a disproportionate actual participation by minorities in crimes of violence.

Milton, et al.,[52] also found that the number of blacks and other minorities shot by police is substantially greater than their proportion in the general population, but went on to add that the proportion was not inconsistent with the number of blacks arrested for serious criminal offenses.

The present available evidence suggests that most criminal victimizations are intra-racial. To a very large extent, blacks tend to be victimized by black offenders and white tend to be victimized by white offenders. This issue is best illustrated in Galaway's[53] victimization studies, as well as our findings of victims and assailants in cases of justifiable homicide by civilian as illustrated in Table 18.

Like Fyfe, Geller, Kobler, and others before us, our research indicates that in pure numbers blacks are overrepresented as recipients of police use of deadly force. Over a five-year period (1975-1979) blacks were the victims of 59.6 percent of the justifiable homicides by police. (See Table 20.)

While it is probably true that there may be racial prejudice within some members of our police system, this prejudice probably does not explain the disproportionate level of black justifiable homicide victims. A more reasonable explanation seems to be that police use deadly force in direct relationship to the conditions of society which they encounter. These conditions are evidenced by such findings as shown in Table 19 and detailed below:[54]

- Blacks are overrepresented (73.1%) as victims of justifiable homicide by civilians.

- Blacks are overrepresented (66.1%) as persons arrested for homicide.

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[50] John S. Goldkamp, "Minorities as Victims of Police Shootings: Interpretations of Racial Disproportionality and Police Use of Deadly Force," 2 Justice System Journal, (Denver) 169 (1976).

[51] Burt Galaway, Joe Hudson (ed.), Perspectives on Crime Victims (St. Louis: The C. V. Mosby Co., 1981).

R. L. McNeely and Carl E. Pope (ed.), Race, Crime, and Criminal Justice (Sage Publications, 1981).

[52] Catherine H. Milton, Jeanne Halleck, James Lardner, and Gary Albrecht, Police Use of Deadly Force (Washington, D.C.: The Police Foundation, 1977).

[53] Galaway and Hudson, Perspectives on Crime Victims.

[54] See Tables 21 through 25, Appendix VII, and Graph 6.

TABLE 18

GROUP I CITIES
JUSTIFIABLE HOMICIDE BY CIVILIAN
BY RACE OF VICTIM AND ASSAILANT

	1978		1977		1976	
	Number	Percent	Number	Percent	Number	Percent
Victim White Assailant White	37	19.3	34	17.9	52	18.2
Victim White Assailant Black	2	1.0	2	1.1	5	1.8
Victim White Assailant Other	1	0.5	0	0	0	0
Victim White Assailant Unreported	11	5.7	18	9.5	8	2.8
Victim Black Assailant White	25	13.0	19	10.0	52	18.2
Victim Black Assailant Black	93	48.4	95	50.0	156	54.6
Victim Black Assailant Other	0	0	0	0	0	0
Victim Black Assailant Unreported	22	11.5	21	11.1	8	2.8
Victim Other/Unreported	1	0.5	1	0.5	4	1.4

Source: Unpublished FBI Uniform Crime records.

- Blacks are overrepresented (71.0%) as persons arrested for robbery.
- Blacks are overrepresented (63.7%) as persons arrested for violent crimes.
- Blacks are overrepresented (57.9%) as persons arrested for weapons violations.

These findings of black over-representation as participants in crime and victims of justifiable homicide are supported in part by major findings in other research. Fyfe reports that black opponents are far more often armed with guns when they confront the police than are whites.[55] This was also supported by FBI data.[56] In proportion to the number of encounters, more police officers are killed in the line of duty by blacks than whites; black involvement with robbery incidents is twice the rate of white involvement. Geller and Karales[57] found that black and Hispanic civilians are slightly less likely than whites to be shot by the police if forcible felony arrests are used as an indicator of police-civilian encounters that could result in shootings.

Samuel Meyers[58] reported an overrepresentation of blacks among the arrested, the convicted, the incarcerated, and among those bearing the official label of criminal or ex-offender. The Board of Police Commissioners of Los Angeles[59] also reported that blacks were overrepresented in percentage of fatal shootings, attempts with a deadly weapon upon a police officer, attacks on officers, and Part I arrests. Milton, et al.,[60] went on to say that the overrepresentation was not inconsistent with the number of blacks arrested for serious criminal offenses.

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[55] Fyfe, Shots Fired: An Examination of New York City Police Firearms Discharges, pp. 130-137.

[56] See Also: FBI Uniform Crime Reports, Law Enforcement Officers Killed, 1979 (Washington, D.C.: U.S. Department of Justice, 1979).

[57] Geller and Karales, Split Second Decisions: Shootings of and by Chicago Police, p.118.

[58] Samuel L. Meyers, Jr., "The Incidence of Justice," The Costs of Crime, Charles M. Gray (ed.), Sage Criminal Justice System Annuals, v.12 (1979).

[59] Board of Police Commissioners of Los Angeles, The Report of the Board of Police Commissioners Concerning the Shooting of Eulia Love and the Use of Deadly Force, Parts I-IV (Los Angeles: Board of Police Commissioners, 1979-1980.)

[60] Milton, Halleck, Lardner and Abrecht, Police Use of Deadly Force.

TABLE 19

JUSTIFIABLE HOMICIDE AND CRIMINAL ARRESTS
BY RACE
1975-1979

	White	Black	Other
Justifiable Homicide by Police	39.4	59.6	1.0
Justifiable Homicide by Civilian	25.9	73.1	1.0
Homicide Arrests	30.2	66.1	3.7
Robbery Arrests	26.4	71.0	2.6
Violent Crime Arrests	33.8	63.7	2.5
Weapon Violations Arrests	38.0	57.9	4.1

Source: Unpublished FBI Uniform Crime records of 54 cities.

NOTE: See Tables 20 through 25.

TABLE 20

JUSTIFIABLE HOMICIDE BY POLICE BY RACE OF VICTIM

	Number			Percent		
Year	White	Black	Other	White	Black	Other
1979	103	151	3	40.1	58.8	1.2
1978	78	112	1	40.8	58.6	0.5
1977	89	123	3	41.4	57.2	1.4
1976	90	149	4	37.0	61.3	1.6
1975	137	218	2	38.4	61.1	0.6
Total	497	753	13	39.4	59.6	1.0

Source: Unpublished FBI Uniform Crime records of 54 cities.

TABLE 21

JUSTIFIABLE HOMICIDE BY CIVILIAN BY RACE OF VICTIM

	Number			Percent		
Year	White	Black	Other	White	Black	Other
1979	87	186	4	31.5	67.0	1.5
1978	51	140	1	26.6	72.9	0.5
1977	54	135	1	28.4	71.1	0.5
1976	65	216	4	22.8	75.9	1.4
1975	66	233	2	21.9	77.4	0.7
Total	323	910	12	25.9	73.1	1.0

Source: Unpublished FBI Uniform Crime records of 54 cities.

TABLE 22

ARRESTS FOR HOMICIDE BY RACE OF ARRESTED

Year	Number			Percent		
	White	Black	Other	White	Black	Other
1979	2,509	4,790	334	32.9	62.8	4.4
1978	2,333	4,719	277	31.8	64.4	3.8
1977	2,257	4,801	308	30.6	65.2	4.2
1976	2,302	6,242	260	29.5	67.2	3.3
1975	2,346	6,141	276	26.8	70.1	3.1
Total	11,747	25,693	1,455	30.2	66.1	3.7

Source: Unpublished Uniform Crime records of 54 cities.

TABLE 23

ARRESTS FOR ROBBERY BY RACE OF ARRESTED

	Number			Percent		
Year	White	Black	Other	White	Black	Other
1979	19,032	47,967	1,878	27.6	69.6	2.7
1978	17,505	46,390	1,824	26.6	70.6	2.8
1977	17,975	45,884	1,899	27.3	69.8	2.9
1976	18,296	48,472	1,712	26.7	70.8	2.5
1975	19,056	58,368	1,879	24.0	73.6	2.4
Total	91,864	247,081	9,192	26.4	71.0	2.6

Source: Unpublished FBI Uniform Crime records of 54 cities.

TABLE 24

ARRESTS FOR VIOLENT CRIME
BY RACE OF ARRESTED

Year	Number			Percent		
	White	Black	Other	White	Black	Other
1979	59,077	103,516	4,303	35.4	62.0	2.6
1978	54,081	97,592	3,770	34.8	62.8	2.4
1977	52,549	96,832	3,905	34.3	63.1	2.5
1976	51,101	99,191	3,879	33.1	64.3	2.5
1975	52,994	112,632	4,236	31.2	66.3	2.5
Total	269,902	509,763	20,093	33.8	63.7	2.5

Source: Unpublished FBI Uniform Crime records of 54 cities.

TABLE 25

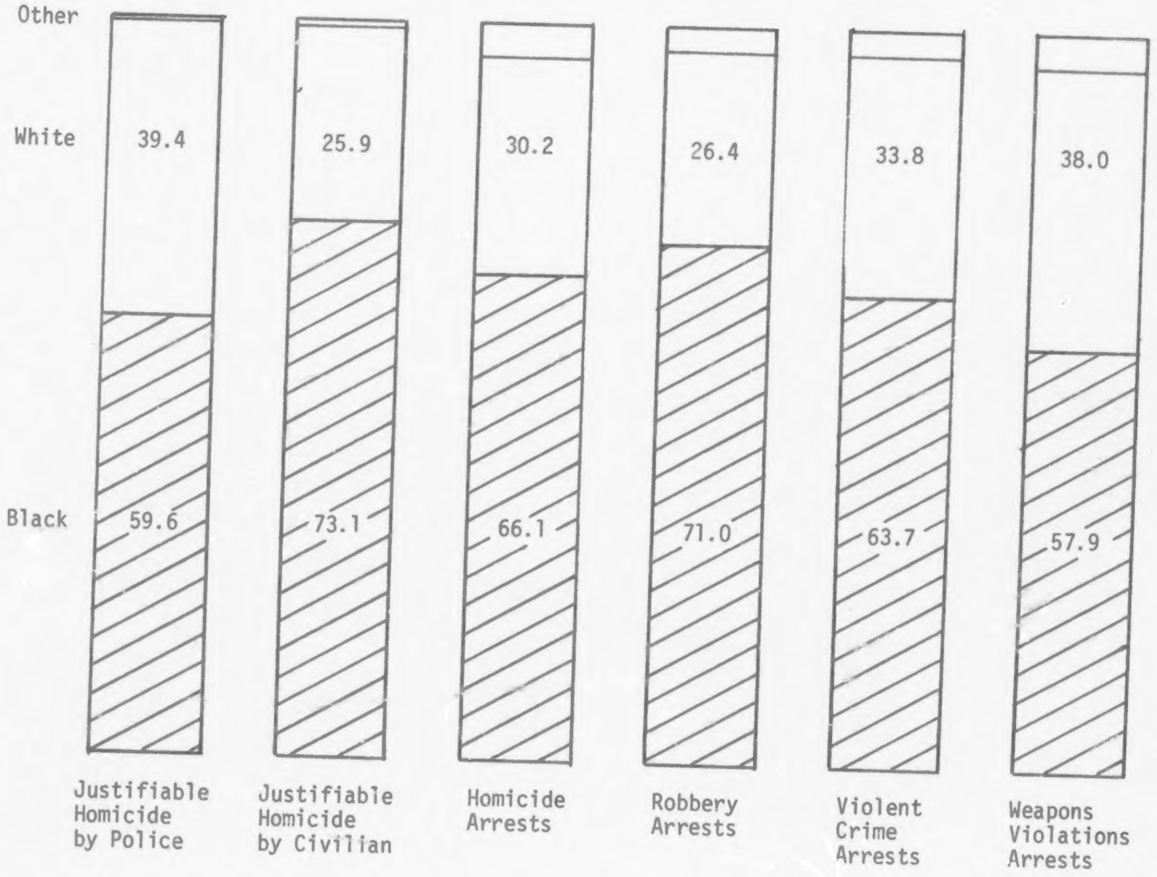
ARRESTS FOR WEAPONS VIOLATIONS
BY RACE OF ARRESTED

	Number			Percent		
Year	White	Black	Other	White	Black	Other
1979	23,335	30,991	2,702	40.9	54.3	4.7
1978	21,933	30,485	2,221	40.1	55.8	4.1
1977	20,803	30,965	2,413	38.4	57.2	4.5
1976	20,670	33,931	2,175	36.4	59.8	3.8
1975	21,524	38,734	2,226	34.4	62.0	3.6
Total	108,265	165,106	11,734	38.0	57.9	4.1

Source: Unpublished FBI Uniform Crime records of 54 cities.

GRAPH 6

JUSTIFIABLE HOMICIDE AND CRIMINAL ARRESTS BY RACE OF VICTIM OR ARRESTED 1975-1979



The Shooters

Our findings regarding the race of police officers show that 15.7 percent of all police officers who shoot civilians are black, 58.3 percent are white, 25.1 percent are unknown or not identified by race, and 0.9 percent are of "other" races. (See Table 26.) A special note of caution is important to the analysis of these findings; multiple shooters in a single homicide incident are not specified in the table. Thus, a single victim may have been shot by both a white and a black officer or any such combination of officers. The percentage of black police officer shooters (15.7 percent) is substantially higher than the total estimated proportion of total black officers in the nation.

This finding is supported in part by Geller:[61] black officers were 2.5 times as likely as white officers to shoot black civilians; and Fyfe,[62] minority officers have a higher on-duty shooting rate than do white officers.

These research findings do not prove conceptually or statistically the existence of police discrimination. What the data are consistent with is that the disproportionate rate of black victims of police justifiable homicide and use of deadly force is in proportion to the level of crime committed by blacks and black victimization in other crimes of violence.

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[61] Geller and Karales, Split Second Decisions: Shootings of and by Chicago Police.

[62] Fyfe, Shots Fired: An Examination of New York City Police Firearms Discharges.

TABLE 26

JUSTIFIABLE HOMICIDE BY POLICE
BY RACE OF SHOOTER AND VICTIM
1975-1979

	Victims			Shooters			
Year	Black	White	Other	Black	White	Other	Unknown
1979	151	103	3	44	180	4	70
1978	112	78	1	32	127	0	65
1977	123	89	3	45	151	1	64
1976	149	90	4	46	163	5	69
1975	218	137	2	unk	unk	unk	unk
Total Number	753	497	13	167	621	10	268
Total Percentage	59.6	39.4	1.0	15.7	58.3	0.9	25.1

Source: Unpublished FBI Uniform Crime records of 54 cities.

IV

STATISTICAL TESTS OF HYPOTHESES WHICH IMPLY CAUSATION TO POLICE USE OF DEADLY FORCE

The research design for this project included an analysis of the following major sets of data:

- Police policy statements
- Statistical data generated by the Federal Bureau of Investigation - Uniform Crime Reports Section
- A survey of 57 police agencies

The purpose of the study was to identify the factors surrounding the use of deadly force in law enforcement, determine how these factors interrelate, and, where appropriate, develop model policy guidelines and procedural techniques which could possibly reduce such deaths while protecting the safety of police officers. At the onset, we recognize that a majority of homicides by police are not only justifiable but also are not preventable (self-defense). The study does not attempt to restrict police officers from protecting themselves and the lives of other citizens. We primarily address those justifiable homicides that may be prevented through the adoption of new policy, training, equipment, and techniques.

The study concentrates on incidents of homicide by on- and off-duty police officers using firearms. The study included 57 agencies serving communities with populations of 250,000 or more. Within this category of departments, justifiable homicide rates were studied to develop hypotheses about variables which possibly affect those rates.[1]

Police Policy

Policy, procedure, written directives, and training bulletins relative to the issue of deadly force were collected from each of the study cities. A policy content analysis was conducted and policy content was compared to justifiable homicide rates.

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[1] Data from 57 cities were gathered from published and unpublished FBI Uniform Crime records. Fifty-four agencies responded to our request for data. Fifty-three agencies responded to our request for policy. See Appendix B for copy of survey instrument.

Statistical Crime Data

The FBI Uniform Crime Records Section provided computer printouts of unpublished crime and justifiable homicide data from the 57 major U.S. cities. Additionally, we extracted crime data from the annual FBI publication Crime in the United States. These data were compared to justifiable homicide rates and deadly force policy within each city in an effort to determine if there was any relationship.

Rates of Justifiable Homicide by the Police

Sufficient statistical data are presented in this report to permit numerous hypotheses-testing strategies. We encourage other researchers to consider the many possible alternative testing strategies. The IACP research staff chose to test our stated hypotheses using six individual Justifiable Homicide Rates (JHR):

1. Rate to population
2. Rate to number of police officers
3. Rate to homicide
4. Rate to justifiable homicide by civilian
5. Rate to robbery
6. Rate to violent crime.

Tables 27 through 32 present these six individual rates of justifiable homicide by police (JHR). These particular rates were selected because the factors were shown to be significantly correlated (see Table 17). A rate of justifiable homicide to law enforcement officers murdered was excluded because the number of officers murdered in individual cities did not substantiate a valid numerical comparison. Each rate is presented (1) by the standard format list order that is used throughout this report and (2) by rank order of their justifiable homicide rate (low to high). We considered the potential unfairness to individual agencies if we used these rates to tabulate comparisons to the survey instrument responses. A few of the anticipated criticisms might include:

Population. A rate based on population would be unfavorably biased against the community with a large influx of daily work forces which includes potential criminals. Such a comparison would also not have considered density of population, ethnicity, age, unemployment, education, and a multitude of other census, economic, political, and geographical factors.

Number of Police Officers. This would probably be considered one of the most valid rate comparisons since communities usually staff their police agencies based on a number of crime, population, and workload factors. However, even this comparison is subject to considerable criticism. The number of police officers would not necessarily represent street presence because of such policy decisions as one- or two-officer vehicles; amount of vacation, overtime, and holiday compensation; sick leave; administrative and support staffing; distribution by hour of day, day of week, and shift.

Homicide by Civilian. The anticipated criticism for using this rate would include such factors as reporting practices which often require updating from aggravated assault, the belief that homicide is an acquaintance-to-acquaintance crime and not representative of community violence, the belief that homicide is nonpreventable by police who are generally called to the scene long after the heat of passion has subsided and therefore are not subject to any danger.

Justifiable Homicide by Civilian. The reporting of justifiable homicide is subject to reporting irregularities. This homicide is generally ruled as justifiable only after adjudication, and police records are extremely suspect when they become dependent on updating after judicial processes. These factors may be at the root of why the Uniform Crime Reports do not include justifiable homicide in annual reporting.

Robbery. This crime appears to be a good indicator of community violence, but again it is subject to many related influences. The UCR rules for reporting robbery are subject to misinterpretation by the reporting agencies. For example, a strict interpretation of the rules could require all school yard thefts to be classified as robberies. The crime of purse-snatching is often an actual robbery where physical force is used; therefore, reporting agencies must split gray areas. It is also thought that neither of these forms of robbery presents a threat of violence to the responding police officer.

Violent Crime. The measurement of violent crime (murder, rape, robbery, and aggravated assault) is most subject to the reporters' interpretation of UCR rules and to the reporting by victims. The crime of rape has always been suspect of being significantly underreported by the victim. Aggravated assault reporting is also known to have a significant level of error.

We recognize that each of the justifiable homicide rates is subject to criticism from a number of fronts. The facts, however, remain; each of the rates was calculated using factors that are significantly *correlated* to justifiable homicide by police.

Each of the justifiable rates has limitations. The questions, therefore, are as follows: Should the rates be used individually? Can one of the individual rates be used as representative of the total? Can the six rates be combined into a single justifiable homicide index? We statistically compared the six rates against one another and, despite minor changes in rank order, we found the six to be correlated. We compared each of the six rates against several of the hypotheses developed with the "IACP Use of Deadly Force Survey Instrument" (Appendix C) and found no significant differences. As a result of the preliminary tests using the six rates, the correlations of the six categories and the need to keep the size of this report to a readable volume, we have elected to present only the statistical results of testing the hypotheses using the rate Justifiable Homicides by Police - To - Number of Police Officers. Therefore, unless otherwise specifically noted, all future reference to a JHR will indicate:

$$\text{Number of Justifiable Homicides by the Police} \div \text{Number of Police Officers} \times 100 = \text{JHR}$$

TABLE 27

RATE OF JUSTIFIABLE HOMICIDE BY THE POLICE TO 100 POLICE OFFICERS 1975-1979

Standard Format Listing		Rank Order Listing	
Akron	.13	Sacramento	.04
Albuquerque	.21	Honolulu	.05
Austin	.09	Boston	.06
Baltimore	.26	St. Paul	.07
Birmingham	.75	Newark	.08
Boston	.06	Buffalo	.09
Buffalo	.09	Austin	.09
Charlotte	.10	Charlotte	.10
Chicago	.17	Portland	.12
Cincinnati	.20	Akron	.13
Cleveland	.32	New York	.14
Columbus	.20	Toledo	.15
Dallas	.35	San Francisco	.16
Denver	.16	Denver	.16
Detroit	.40	Washington	.17
El Paso	.25	Chicago	.17
Fort Worth	.18	Minneapolis	.18
Honolulu	.05	Fort Worth	.18
Houston	.58	Rochester	.19
Indianapolis	.40	Columbus	.20
Jacksonville	.65	Cincinnati	.20
Kansas City	.35	Albuquerque	.21
Long Beach	.64	Philadelphia	.21
Los Angeles	.35	Seattle	.22
Louisville	.27	Phoenix	.22
Memphis	.31	San Jose	.24
Miami	.25	Norfolk	.24
Minneapolis	.18	El Paso	.25
Nashville	.41	Miami	.25
Newark	.08	Omaha	.25
New Orleans	.77	Baltimore	.26
New York	.14	Louisville	.27
Norfolk	.24	Tampa	.30
Oakland	.67	Tulsa	.31
Oklahoma City	.49	Memphis	.31
Omaha	.25	Cleveland	.32
Philadelphia	.21	San Diego	.33
Phoenix	.22	Los Angeles	.35
Portland	.12	Kansas City	.35
Rochester	.19	Dallas	.35
Sacramento	.04	San Antonio	.35
St. Louis	.45	Wichita	.36
St. Paul	.07	Detroit	.40
San Antonio	.35	Indianapolis	.40
San Diego	.33	Nashville	.41
San Francisco	.16	Tucson	.42
San Jose	.24	St. Louis	.45
Seattle	.22	Oklahoma City	.49
Tampa	.30	Houston	.58
Toledo	.15	Long Beach	.64
Tucson	.42	Jacksonville	.65
Tulsa	.31	Oakland	.67
Washington	.17	Birmingham	.75
Wichita	.36	New Orleans	.77

Rate = Yearly average of Justifiable Homicides by Police to yearly average of police officers (100)

Mean = .28

TABLE 28

RATE OF
JUSTIFIABLE HOMICIDE BY THE POLICE
TO HOMICIDE
1975-1979

Standard Format Listing

Akron	.25
Albuquerque	.29
Austin	.12
Baltimore	.40
Birmingham	.60
Boston	.16
Buffalo	.19
Charlotte	.11
Chicago	.28
Cincinnati	.33
Cleveland	.25
Columbus	.31
Dallas	.29
Denver	.28
Detroit	.39
El Paso	.61
Fort Worth	.14
Honolulu	.17
Houston	.38
Indianapolis	.51
Jacksonville	.76
Kansas City	.39
Long Beach	.61
Los Angeles	.40
Louisville	.30
Memphis	.36
Miami	.18
Minneapolis	.42
Nashville	.36
Newark	.11
New Orleans	.63
New York	.22
Norfolk	.28
Oakland	.44
Oklahoma City	.51
Omaha	.47
Philadelphia	.46
Phoenix	.48
Portland	.20
Rochester	.37
Sacramento	.04
St. Louis	.42
St. Paul	.25
San Antonio	.28
San Diego	.56
San Francisco	.20
San Jose	.44
Seattle	.50
Tampa	.41
Toledo	.24
Tucson	.90
Tulsa	.55
Washington	.37
Wichita	.48

Rank Order Listing

Sacramento	.04
Newark	.11
Charlotte	.11
Austin	.12
Fort Worth	.14
Boston	.16
Honolulu	.17
Miami	.18
Buffalo	.19
Portland	.20
San Francisco	.20
New York	.22
Toledo	.24
Akron	.25
St. Paul	.25
Cleveland	.25
Denver	.28
Chicago	.28
Norfolk	.28
San Antonio	.28
Dallas	.29
Albuquerque	.29
Louisville	.30
Columbus	.31
Cincinnati	.33
Nashville	.36
Memphis	.36
Washington	.37
Rochester	.37
Houston	.38
Kansas City	.39
Detroit	.39
Baltimore	.40
Los Angeles	.40
Tampa	.41
Minneapolis	.42
St. Louis	.42
Oakland	.44
San Jose	.44
Philadelphia	.46
Omaha	.47
Phoenix	.48
Wichita	.48
Seattle	.50
Oklahoma City	.51
Indianapolis	.51
Tulsa	.55
San Diego	.56
Birmingham	.60
El Paso	.61
Long Beach	.61
New Orleans	.63
Jacksonville	.76
Tucson	.90

Rate = Yearly average of Justifiable Homicides by Police ÷ yearly average of (1,000) homicides.

Mean = .36

TABLE 29

RATE OF JUSTIFIABLE HOMICIDE BY THE POLICE TO 1,000 ROBBERY 1975-1979

Standard Format Listing		Rank Order Listing	
Akron	.94	Sacramento	.15
Albuquerque	1.26	Boston	.22
Austin	.72	Newark	.28
Baltimore	1.05	San Francisco	.42
Birmingham	4.28	St. Paul	.42
Boston	.22	Portland	.44
Buffalo	.51	New York	.44
Charlotte	.84	Buffalo	.51
Chicago	1.33	Toledo	.59
Cincinnati	1.27	Honolulu	.64
Cleveland	1.03	Miami	.66
Columbus	.96	Austin	.72
Dallas	1.90	Minneapolis	.82
Denver	.94	Charlotte	.84
Detroit	1.29	Denver	.94
El Paso	1.98	Akron	.94
Fort Worth	.95	Fort Worth	.95
Honolulu	.64	Columbus	.96
Houston	2.36	Washington	1.00
Indianapolis	1.81	Cleveland	1.03
Jacksonville	4.05	Baltimore	1.05
Kansas City	1.70	Seattle	1.06
Long Beach	1.99	Rochester	1.08
Los Angeles	1.52	Albuquerque	1.26
Louisville	1.34	Cincinnati	1.27
Memphis	1.39	Detroit	1.29
Miami	.66	Chicago	1.33
Minneapolis	.82	Louisville	1.34
Nashville	1.69	Memphis	1.39
Newark	.28	Oakland	1.47
New Orleans	3.17	Omaha	1.51
New York	.44	Norfolk	1.52
Norfolk	1.52	Los Angeles	1.52
Oakland	1.47	Tampa	1.53
Oklahoma City	3.37	San Diego	1.54
Omaha	1.51	San Jose	1.67
Philadelphia	2.07	Nashville	1.69
Phoenix	1.92	Kansas City	1.70
Portland	.44	St. Louis	1.71
Rochester	1.08	Indianapolis	1.81
Sacramento	.15	Dallas	1.90
St. Louis	1.71	Phoenix	1.92
St. Paul	.42	El Paso	1.98
San Antonio	2.64	Long Beach	1.99
San Diego	1.54	Philadelphia	2.07
San Francisco	.42	Wichita	2.27
San Jose	1.67	Houston	2.36
Seattle	1.06	San Antonio	2.64
Tampa	1.53	New Orleans	3.17
Toledo	.59	Oklahoma City	3.37
Tucson	3.56	Tucson	3.56
Tulsa	3.67	Tulsa	3.67
Washington	1.00	Jacksonville	4.05
Wichita	2.27	Birmingham	4.28

Rate = Yearly average of Justifiable Homicides by Police ÷ yearly average of (1,000) robberies

Mean = 1.50

TABLE 30

RATE OF JUSTIFIABLE HOMICIDE BY THE POLICE TO 1,000 VIOLENT CRIME

1975-1979

Standard Format Listing		Rank Order Listing	
Akron	.44	Sacramento	.07
Albuquerque	.41	Boston	.13
Austin	.30	Newark	.17
Baltimore	.57	Portland	.19
Birmingham	1.63	St. Paul	.20
Boston	.13	San Francisco	.26
Buffalo	.29	New York	.27
Charlotte	.28	Charlotte	.28
Chicago	.75	Buffalo	.29
Cincinnati	.57	Miami	.30
Cleveland	.67	Austin	.30
Columbus	.56	Toledo	.36
Dallas	.77	Albuquerque	.41
Denver	.46	Minneapolis	.43
Detroit	.84	Honolulu	.43
El Paso	.94	Akron	.44
Fort Worth	.47	Denver	.46
Honolulu	.43	Fort Worth	.47
Houston	1.60	Seattle	.50
Indianapolis	1.02	Tampa	.53
Jacksonville	1.38	Columbus	.56
Kansas City	.74	Cincinnati	.57
Long Beach	1.16	Baltimore	.57
Los Angeles	.70	Rochester	.58
Louisville	.83	Norfolk	.60
Memphis	.75	Cleveland	.67
Miami	.30	Washington	.68
Minneapolis	.43	San Jose	.68
Nashville	.97	Omaha	.68
Newark	.17	Los Angeles	.70
New Orleans	1.81	Kansas City	.74
New York	.27	Phoenix	.75
Norfolk	.60	Memphis	.75
Oakland	.77	Chicago	.75
Oklahoma City	1.05	Oakland	.77
Omaha	.68	Dallas	.77
Philadelphia	1.24	Louisville	.83
Phoenix	.75	Detroit	.84
Portland	.19	San Diego	.85
Rochester	.58	St. Louis	.91
Sacramento	.07	El Paso	.94
St. Louis	.91	Nashville	.97
St. Paul	.20	Tulsa	1.01
San Antonio	1.07	Indianapolis	1.02
San Diego	.85	Oklahoma City	1.05
San Francisco	.26	San Antonio	1.07
San Jose	.68	Wichita	1.11
Seattle	.50	Long Beach	1.16
Tampa	.53	Philadelphia	1.24
Toledo	.36	Tucson	1.28
Tucson	1.28	Jacksonville	1.38
Tulsa	1.01	Houston	1.60
Washington	.68	Birmingham	1.63
Wichita	1.11	New Orleans	1.81

Rate = Yearly average of Justifiable Homicides by Police ÷ yearly average of (1,000) violent crimes

Mean = .70

TABLE 31

RATE OF JUSTIFIABLE HOMICIDE BY THE POLICE TO JUSTIFIABLE HOMICIDE BY CIVILIAN 1975-1979

Standard Format Listing	
Akron	1.00
Albuquerque	2.50
Austin	.29
Baltimore	2.26
Birmingham	1.25
Boston	1.40
Buffalo	.71
Charlotte	1.50
Chicago	.31
Cincinnati	3.30
Cleveland	.70
Columbus	.67
Dallas	1.30
Denver	3.67
Detroit	1.13
El Paso	1.34
Fort Worth	.75
Honolulu	.80
Houston	1.86
Indianapolis	4.20
Jacksonville	7.75
Kansas City	3.00
Long Beach	2.86
Los Angeles	1.39
Louisville	2.00
Memphis	1.11
Miami	1.13
Minneapolis	3.50
Nashville	1.36
Newark	1.50
New Orleans	2.07
New York	1.12
Norfolk	1.75
Oakland	2.44
Oklahoma City	.70
Omaha	2.33
Philadelphia	2.24
Phoenix	1.50
Portland	.80
Rochester	1.50
Sacramento	.13
St. Louis	3.07
St. Paul	2.00
San Antonio	4.00
San Diego	2.11
San Francisco	.89
San Jose	1.80
Seattle	2.20
Tampa	1.29
Toledo	1.25
Tucson	1.57
Tulsa	2.00
Washington	3.00
Wichita	3.50

Rank Order Listing	
Sacramento	.13
Austin	.29
Chicago	.31
Columbus	.67
Oklahoma City	.70
Cleveland	.70
Buffalo	.71
Fort Worth	.75
Portland	.80
Honolulu	.80
San Francisco	.81
Akron	1.00
Memphis	1.11
New York	1.12
Miami	1.13
Detroit	1.13
Toledo	1.25
Birmingham	1.25
Tampa	1.29
Dallas	1.30
El Paso	1.34
Nashville	1.36
Los Angeles	1.39
Boston	1.40
Rochester	1.50
Phoenix	1.50
Newark	1.50
Charlotte	1.50
Tucson	1.57
Norfolk	1.75
San Jose	1.80
Houston	1.86
Tulsa	2.00
St. Paul	2.00
Louisville	2.00
New Orleans	2.07
San Diego	2.11
Seattle	2.20
Philadelphia	2.24
Baltimore	2.26
Omaha	2.33
Oakland	2.44
Albuquerque	2.50
Long Beach	2.86
Washington	3.00
Kansas City	3.00
St. Louis	3.07
Cincinnati	3.30
Wichita	3.50
Minneapolis	3.50
Denver	3.67
San Antonio	4.00
Indianapolis	4.20
Jacksonville	7.75

Rate = Yearly average of Justifiable Homicides by Police ÷ yearly average of (1) justifiable homicide by civilian

Mean = 1.81

TABLE 32

RATE OF
JUSTIFIABLE HOMICIDE BY THE POLICE
TO 100,000 POPULATION
1975-1979

Standard Format Listing	
Akron	.24
Albuquerque	.35
Austin	.12
Baltimore	1.06
Birmingham	1.74
Boston	.23
Buffalo	.25
Charlotte	.20
Chicago	.74
Cincinnati	.49
Cleveland	1.04
Columbus	.37
Dallas	.83
Denver	.46
Detroit	1.63
El Paso	.40
Fort Worth	.32
Honolulu	.11
Houston	1.10
Indianapolis	.67
Jacksonville	1.16
Kansas City	.90
Long Beach	1.18
Los Angeles	.89
Louisville	.60
Memphis	.60
Miami	.51
Minneapolis	.38
Nashville	.70
Newark	.37
New Orleans	2.13
New York	.48
Norfolk	.50
Oakland	1.32
Oklahoma City	.86
Omaha	.38
Philadelphia	.94
Phoenix	.52
Portland	.21
Rochester	.46
Sacramento	.08
St. Louis	1.77
St. Paul	.15
San Antonio	.50
San Diego	.48
San Francisco	.39
San Jose	.31
Seattle	.44
Tampa	.66
Toledo	.27
Tucson	.72
Tulsa	.59
Washington	1.05
Wichita	.52

Rank Order Listing	
Sacramento	.08
Honolulu	.11
Austin	.12
St. Paul	.15
Charlotte	.20
Portland	.21
Boston	.23
Akron	.24
Buffalo	.25
Toledo	.27
San Jose	.31
Fort Worth	.32
Albuquerque	.35
Newark	.37
Columbus	.37
Omaha	.38
Minneapolis	.38
San Francisco	.39
El Paso	.40
Seattle	.44
Rochester	.46
Denver	.46
San Diego	.48
New York	.48
Cincinnati	.49
San Antonio	.50
Norfolk	.50
Miami	.51
Wichita	.52
Phoenix	.52
Tulsa	.59
Memphis	.60
Louisville	.60
Tampa	.66
Indianapolis	.67
Nashville	.70
Tucson	.72
Chicago	.74
Dallas	.83
Oklahoma City	.86
Los Angeles	.89
Kansas City	.90
Philadelphia	.94
Cleveland	1.04
Washington	1.05
Baltimore	1.06
Houston	1.10
Jacksonville	1.16
Long Beach	1.18
Oakland	1.32
Detroit	1.63
Birmingham	1.74
St. Louis	1.77
New Orleans	2.13

Rate = Yearly average of Justifiable Homicide by Police ÷ yearly average of population (100,000)

Mean - .66

The Survey

A major component of our research included a descriptive "survey" (see Appendix C) of 57[2] police agencies. The survey instrument was designed to collect data relative to how personnel practices, training, policy, procedure, equipment, and other organizational considerations might impact on the use of deadly force. The survey responses were compared against policy and justifiable homicide rates.

The survey provided essential ideas and information which are not adequately presented in the previous literature. The previous literature on deadly force presents many differences in conclusions which we attempted to resolve. For example, the number of justifiable homicides by police per year has been estimated to be in the range of 300 to 600.

The previous findings in deadly force literature do not point to a clear agreement of causal relationship to deadly force, but rather to a multiplicity of factors. We accepted this multiplicity as a starting point in developing our hypotheses and questions to test the hypotheses.

Our survey approach began with a letter to the agencies' chief executives from the Executive Director of the International Association of Chiefs of Police. This letter (Appendix B) carefully outlined the purpose and needs of the project, the general nature of the data needed, and the request for assigning an individual in the department to act as a source for all data. The survey instrument was mailed directly to the police chief in each of the cities. As completed surveys arrived at IACP headquarters, each document was thoroughly reviewed. The agency contact person was often telephoned in order to obtain information which may have been omitted, to obtain clarification of responses, and to obtain supplemental information necessary to interpret the meaning of written responses. We viewed this type of mail survey and the follow-up contact as a principal source of data for this project. It proved to be an economical means to gain information from a large sample of cities that could be analyzed statistically.

Survey Analysis and Presentation

In recent years, the assessment of public policy decisions in a variety of social and political fields has been enhanced through the use of quasi-experimental research techniques. In these endeavors, recognition has been given to the fact that traditional experimental designs are not always appropriate for the natural sequence of events related to a policy decision in a real-life setting. Simply put, the degree of experimental control of variables necessary for a true experiment is often lacking in these situations.

Quasi-experimental designs are not, by their nature, less "scientific" than traditional experimental designs where the control of all variables is thought to be possible. Quasi-experiments"...are in no sense just sloppy experiments. They have a form and a logic of their own...Quasi-experiments, in their terms, require the same rigor as do experimental designs."[3] All forms of experiments have their unique limitations and all yield approximations to knowledge. Ours is no exception.

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[2] 54 responded to the survey.

[3] Carol H. Weiss, Evaluation Research: Methods for Assessing Program Effectiveness (Englewood Cliffs, New Jersey: Prentice Hall, 1972) p. 68.

One of the most useful techniques that a researcher can use is a simple empirical analysis of data. For example, if one can observe that a particular variable (a policy change relative to carrying weapons off duty) or set of variables is nearly always present when the justifiable homicide rate is high and nearly always absent when the justifiable homicide rate is low, then a hypothesis concerning these variables and the justifiable homicide rate might be concluded.

Using this premise, each question in our survey was tested against the developed hypothesis using an appropriate statistical test such as a t-test, time series intervention test, or test of significance for correlation coefficients.

t-Test. The t-test has been used throughout this report to test the "significance" of the difference between the mean of two variables, e.g., off-duty weapon policy - no off-duty weapon policy. A simple inspection of the two means to see which is greater is insufficient because the mean score represents only a portion of the total characteristics of the sets of numbers included in the two variables. Because it is desirable to make assertions about the true means of the variables rather than the simple means, we must use the statistical technique of the t-test. The result of the t-test is a number which is compared with a predetermined number taken from a table of t-values at the desired level of significance. If the calculated t-value is greater in absolute magnitude than the preselected table value, then it can be concluded that there is a significant difference between the mean scores of the two variables.

As explained earlier in this report, the dependent variable selected for the hypotheses was the justifiable homicide rate (JHR) by police officers. For a given year, this is defined as the number of justifiable homicides by police divided by the number of police officers (in hundreds). Rather than selecting one of the years between 1975 and 1979, the JHR was calculated for each year and then averaged over the five years for each city. This procedure has the advantage of smoothing the data for a city to lessen the effects of unusual years.

With almost all the hypotheses, the standard t-test for the differences between means was the statistical test which was applied. The 10 percent level of significance was selected for the tests of hypotheses. As an example, consider the following hypothesis concerning pre-service psychological examinations (see Example Table, p.84):

Hypothesis:	Police agencies requiring pre-service psychological examinations for police officers will experience a lower rate of justifiable homicide than will agencies that do not require such examinations.
Findings:	Police agencies that require a pre-service psychological examination experienced a mean JHR of .29 while those not requiring a pre-service psychological examination had a mean JHR of .24. The calculated t-value was 0.84 which is not significant at the .10 level. The hypothesis is therefore rejected.

EXAMPLE TABLE

PRE-SERVICE EXAMINATION REQUIREMENT

	Number of Departments	Mean JHR	t-value	Significant?
No Psychological Test Requirement	11	0.24	0.84	No
Psychological Test Requirement	43	0.29		

With a few hypotheses, an analysis of variance procedure was used because the data could not be conveniently dichotomized. With the analysis of variance approach, the F-statistic was tested for significance and the hypothesis was rejected or not rejected on the basis of this test. A 10 percent level of significance was also used for these tests.

The hypotheses presented in this section along with the tests for significance represent a univariate approach to the problem. The limitations of this approach were recognized from the start of the study. The t-test is limited since it does not provide much insight into the magnitude of the effects of the independent variable and it does not consider the data in any collective manner. Unfortunately, the limitations of this project did not permit an in-depth multivariate analysis of the data to look beyond each variable separately. For example, a regression analysis or some other approach such as a path analysis or factor analysis would have been desirable. However, the hypotheses and the results still offer a good initial attempt to examine the survey results within the context of this research project. The remainder of this section presents the hypotheses and the results of the tests which were conducted.

Correlation Coefficient. Correlation is a technique used to measure the association or relationship between two variables. The correlation coefficient is a single number which indicates the strength of the relationship between two variables. A set of measurements is taken for each variable and the correlation coefficient is calculated in one of two ways--the Pearson r or the rank correlation method. While not mathematically equivalent, the two methods produce coefficients which are very similar. In calculating the Pearson r, the observations themselves are used, while with the method of rank correlation, the observations are replaced by their ranks. The smallest or largest observation is designated by 1, the next score in order by 2, etc. The coefficient will lie between +1.00 and -1.00. A positive 1.00 denotes perfect positive correlation, i.e., if there is an increase or decrease in one variable, there will also be a corresponding increase or decrease in the second variable. A -1.00 indicates perfect negative correlation, i.e., if there is an increase or a decrease in one variable, there will be an inverse decrease or increase in the other. A coefficient of zero indicates no relationship between the variables. For example, the correlation coefficient between the supervisor : officer ratio and the justifiable homicide rate might be .38. Thus we would conclude that a positive relationship exists between these two variables. This example would indicate that as the supervisor : officer ratio increases, so would the rate of justifiable homicide. A correlation within the .30-1.00 range would indicate significance.

Time Series Intervention Analysis of Police Firearm Discharges

In cities where firearm discharge and crime statistics were available on a monthly tabulation, the data were arranged by time and examined using various "treatment" effects. Two models were developed with the aim of determining whether the introduction of certain interventions in the police departments under study had an effect on the volume of incidents involving firearm discharges. For the interested reader, the details of the models may be found in Appendix L. As an example of the type of intervention considered, suppose a police department establishes a Hostage Negotiation Unit for the specific purpose of responding to incidents in which one or more persons are considered dangerous. The unit is given special training on how to handle these types of incidents without resorting to the use of firearms. As a result, the volume of incidents involving firearm discharges may decrease because the Hostage Negotiation Unit is called when appropriate and is able to defuse the incidents. On the other hand, there may be no change in the volume of firearm discharges because the types of incidents applicable for the unit occur only rarely. There is also the possibility that firearm discharges will increase because the unit becomes overzealous in its use of weapons. The objective of both the models is whether such interventions had an effect on the volume of firearm discharges and whether the effect was positive or negative.

The survey instrument[4] solicited several questions concerning what interventions had been introduced at the police departments which might have had an effect on the volume of firearm discharges. The following specific interventions were examined as "treatment" variables:

- Changes in police chief executive
- Introduction of a policy regarding off-duty employment
- Indictments of police personnel for use of deadly force
- Labor strikes or employee job actions
- Crisis intervention training
- Local citizen firearm registration law in the jurisdiction
- Introduction of a policy on carrying weapons off duty
- Introduction of a policy on carrying a second or back-up weapon while on duty
- Registration of off-duty or back-up weapon with the department
- Use of nonlethal weapons
- Adoption of soft body armor for patrol officers
- Introduction or discontinuance of SWAT unit
- Introduction or discontinuance of stake-out unit

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[4] See Survey Instrument in Appendix C.

- Introduction or discontinuance of hostage negotiation unit
- Introduction or discontinuance of decoy unit
- Principles of hostage negotiations taught to officers

Limitations. It should be noted that there are limitations to this type of time series analysis.

1. Ideally, all plausible competing hypotheses must be identified by the researcher in order to avoid multiple treatment interference. In reality, this will not be achieved because of the number of possible variables, both obvious and subtle, which may affect any sequence of natural events. The researcher has a responsibility to identify as many of these variables as possible even though he can never be certain of the degree of success he has attained.

2. Treatment alternatives used in time series analysis must occur at a specific point in time. In quasi-experimental design, "it is only abrupt and decisive changes that we have any chance of evaluating."[5] Campbell further cautions that gradual events will be indistinguishable from secular change. The difficulty in considering only "abrupt changes" as treatment variables is that every event has an antecedent and consequent relationship with other events. The researcher has a responsibility to approximate, as best as possible, the point in time that a specific treatment variable produced its maximum effect.

3. The focus of this research is on the actions of police organizations and how they may affect the justifiable homicide rates of their police officers. From the standpoint of the humanist, the number of justifiable homicide cases recorded nationwide is significant. However, from the standpoint of the statistical researcher, the number of justifiable homicide cases recorded in any one city over a one-year period is insufficient to allow the researcher to use interrupted time series analysis. The use of such a small number of cases (justifiable homicides) as a data base would introduce a high degree of instability which could lead to invalidity of the analysis. Consequently, we used the related data on firearm discharges as the data base for the time series. The exact nature of the relationship between police homicides and firearms discharges can only be inferred at the outset. However, an explanation of the relationship between the two occurrences must be explicitly acknowledged as one of the intended outcomes of this research.

4. In treating data obtained from the survey instrument, it must be acknowledged that much of the data may not be of equal value. Comparable records should be utilized; the survey design should not require interpretation of the responses. Despite our efforts to standardize questions and verify questionable responses, a certain amount of inequivalent data must be acknowledged.

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[5] Donald T. Campbell, "Reforms as Experiments," Readings in Evaluation Research, Francis G. Caro (ed.) (New York: Russell Sage Foundation, 1971), p.242.

5. A final limitation--this project concerns the most critical dimension of police behavior--a police response which results in the killing of a human. The research seeks to identify various causes associated with police use of deadly force. One major theory of causation--crime--may well be beyond the realm of any single (police chief) individual. Crime as a relationship to police use of deadly force is treated in a separate section of this report.

   The second theory of causation--administrative policy--is more likely to be within the control of the police chief. This portion of the report therefore is designed to identify the various possibilities by which the police chief, through policy development, may be in a position by which he could limit the use of deadly force to critical life-threatening occurrences if such limitations are legally permissible, morally acceptable, situationally necessary, and protective of the officer.

   At the outset, we recognize that use of deadly force is too complex an issue to be described or controlled by any simple and unitary explanation which could serve as a theoretical base for this research. Intentionally, we have narrowed the focus of our survey and analysis to those variables which are probably manipulatable by the police administrator through policy development. Our hypotheses and survey are focused on conditions related to selecting, training, assigning, equipping, supervising, directing, and controlling police personnel.

Time Series Findings

For each intervention, the questionnaire asked for the specific month and year in which it occurred. The police departments were very responsive in listing their interventions and giving the appropriate dates. Appendix L gives a complete list of the interventions from each city along with the dates of implementation. In a few instances, follow-up calls were made to some departments to verify the correct data. A total of about 350 interventions are listed for an average of about 6.5 interventions per department.

In addition to asking about the occurr nce and dates of these interventions, there was one key table in the questionnaire for entering the volume of incidents involving police firearms. The accompanying question for this table was as follows: (see Appendix C, Question 10)

> How many actual incidents in which police firearms were discharged in confrontations with other persons. Do not count incidents involving animals and training exercises. Please include off-duty and out-of-city incidents. Include all warning shots and accidental discharges. Count each incident as one (1) even though multiple shots may have been fired at a single incident scene.

The table allowed respondents to fill in the number of incidents by month for the years 1975 through 1979. If fully completed, the table would have 60 entries or points of data on the volume of firearm discharges experienced.

The table in the questionnaire provided for the user to supply the firearm discharge data in three categories: (1) incidents resulting in one or more deaths, (2) incidents resulting in personal injuries other than death, and (3) incidents with no injuries or deaths. The intent was to be able to develop models on each of the three categories. However, this approach was not possible because the number of incidents with injuries and/or deaths is almost always very low for a particular month (or even quarter) in a particular city. The decision was made to combine the data for each month and conduct the analysis on the total number of firearm discharge incidents. With this approach, there is sufficient volume to make a meaningful analysis of the data.

Of the 54 questionnaires, a total of 30 provided a full five-year history of firearm discharges and 43 completed at least part of the table. As an indication of the volume of incidents, Table 33 gives the average number of incidents per city for each month of the five-year period. The number in parentheses is the number of cities which provided data for that month. The weighted averages for the years show that 1976 was highest and that the last two years had a slight decrease in volume of incidents. The weighted averages by month do not show much variation and do not reflect a significant seasonal variation.

The two modeling procedures used on the incident data were (1) a standard multivariate regression analysis and (2) an Auto-Regressive-Integrated-Moving-Average (ARIMA) analysis for individual time series. Thirty-six months of data were considered the minimum amount needed to do the intervention analysis with each model. The following discussions are, therefore, based on the 38 questionnaires which contained at least 36 months of historical data.

Results of Regression Model

In the multivariate regression procedure, variables were defined to represent each of 12 different interventions:

1. Introduction of a policy regarding off-duty employment
2. Police labor strikes or employee job actions
3. Crisis intervention training
4. Introduction of a policy on carrying weapons off duty
5. Introduction of a policy on carrying a second or back-up weapon while on duty
6. Registration of off-duty or back-up weapon with the department
7. Adoption of soft body armor for patrol officers
8. Introduction or discontinuance of SWAT unit
9. Introduction or discontinuance of hostage negotiation unit
10. Principles of hostage negotiations taught to officers
11. Turnover rate of chiefs at the department
12. Number of indictments which the department had experienced

TABLE 33

AVERAGE NUMBER OF FIREARM INCIDENTS PER MONTH

Month	1975	1976	1977	1978	1979	Weighted Average
January	6.27	4.06	3.61	4.38	3.98	4.38
	(30)	(35)	(38)	(40)	(42)	
February	3.77	5.54	3.74	3.15	3.07	3.81
	(30)	(35)	(38)	(40)	(42)	
March	4.50	5.17	4.95	3.55	4.14	4.43
	(30)	(35)	(38)	(40)	(42)	
April	3.83	4.66	3.95	4.08	3.69	4.03
	(30)	(35)	(38)	(40)	(42)	
May	3.47	5.17	4.50	3.63	3.36	4.01
	(30)	(35)	(38)	(40)	(42)	
June	4.20	4.31	3.40	3.30	3.29	3.66
	(30)	(35)	(38)	(40)	(42)	
July	3.37	4.71	4.42	3.78	3.61	3.98
	(30)	(35)	(38)	(40)	(43)	
August	4.57	5.63	4.84	3.90	3.70	4.48
	(30)	(35)	(38)	(40)	(43)	
September	4.30	5.60	4.47	4.00	3.98	4.44
	(30)	(35)	(38)	(40)	(43)	
October	4.77	4.57	4.71	3.78	4.12	4.35
	(30)	(35)	(38)	(41)	(43)	
November	3.26	4.51	4.05	3.10	4.16	3.79
	(31)	(35)	(38)	(41)	(43)	
December	4.16	4.46	4.29	4.12	3.77	4.11
	(31)	(35)	(38)	(41)	(43)	
Weighted Average	4.20	4.87	4.24	3.73	3.74	4.46

Some interventions, such as the existence of stake-out units, were not included as variables because so few departments had such interventions. A preliminary analysis of the data indicated that the omitted interventions did not appear to have a significant effect on the volume of incidents with firearm discharges.

In addition to these 12 variables, a final variable representing the number of officers in the department was also introduced into the regression. There is an obvious correlation between the number of officers and the volume of incidents involving firearm discharges. In fact, this variable turned out to be the most important variable in the regression in terms of explaining the variability in the volume of firearm discharges.

The regression analysis identified five of the 13 variables as very important in explaining the volume of firearm discharges. The five variables were (1) the number of officers, (2) the number of indictments which the department had experienced, (3) labor strikes or employee actions, (4) whether there was a policy on carrying a second or "back-up" weapon while on duty, and (5) whether the department permitted or required soft armor. Of these five variables, the number of officers was by far the most important. Of the other four, the variables on the number of indictments and policy on second weapons had negative coefficients which means that these two variables tended to reduce the number of incidents involving firearm discharges. The two variables on job actions and soft armor policy had positive coefficients indicating that the presence of these variables tended to increase the number of incidents involving firearm discharges. The variables on SWAT units and hostage negotiation units were found to be borderline by regression analysis. That is, the hostage coefficient was significant at the 10 percent level and the SWAT coefficient was almost significant at this level. Each variable has a coefficient which is negative indicating that incidents tended to decrease with the presence of these units. Finally, all other variables used in the regression were not found to be significant. That is, the presence or absence of them had no effect on the volume of incidents involving firearm discharges.

Results of ARIMA Models

The ARIMA approach was developed initially by Box and Jenkins (1973) as a formal procedure for modeling a series observations taken at regular time intervals. In their classic book on the subject, they demonstrate the utility of ARIMA models on such diverse time series as chemical processes, stock prices, and airline reservations. Since that time, the general model has been widely used for an even greater variety of applications, including some applications with crime series data.

The difference between this approach and the standard multivariate regression approach is that the ARIMA model is for a single time series while the regression approach uses data from all the time series collectively. Enhancements to the ARIMA have been made by Glass, Willson, and Gottman (1975) for the specific purpose of testing interventions which occur at points of time during a time series. The technique which they developed introduces variables into the ARIMA model to represent each of the interventions. After developing the entire ARIMA model, these variables can then be tested for significance and if significant, it means the interventions have had an effect on the level of the time series. It is this procedure which was used to test the intervention effects on incidents with firearm discharges.

Unfortunately, many of the 38 time series under consideration in this study could not be modeled with the ARIMA process because they did not meet a key assumption on dependence. That is, the series did not have any type of pattern associated with it. More specifically, it was found that 32 of the 38 time series could, in fact, be considered as sequences of random numbers. With time series data, the standard procedure for measuring the dependence or lack of dependence is to calculate the autocorrelation in the series and test this autocorrelation for statistical significance. The autocorrelation is defined as the correlation of the pairs of points obtained by combining successive observations. Suppose, for example, that the time series is comprised of the points $z_1, z_2, \ldots, z_n$. The autocorrelation is the correlation between these points and the points $z_2, z_3, \ldots, z_n$. A high autocorrelation near ± 1.00 means that there is a pattern to the time series which can be used to model series. Autocorrelations near zero mean that the time series is basically a sequence of random numbers with no pattern. A t-test can be made to determine whether an autocorrelation is significantly different from zero.

The 38 time series were carefully analyzed to determine the extent of dependence in each series. In some instances, the analysis was refined to look at the sets of observations between interventions. As mentioned above, it was found that 32 of the 38 time series had autocorrelations which were not significantly different from zero. Table 3 in Appendix L lists the autocorrelations for these 32 time series along with the t-statistic and the number of months of data. None of the t-statistics is higher than the critical value for a t-test at the five percent level of significance.

The policy implication of this result is that in most instances the intervention cannot be expected to have a major impact. Table 3 in Appendix L gives the complete list of interventions for each city and indicates many changes over the five-year period. However, the volume of incidents was basically a random series before each of these interventions and remained so after the interventions. A visual analysis of the graphs for these cities supports this result. The graphs are provided at the end of Appendix L. With most of the cities, the monthly volume of incidents is very low for the entire five-year period with no significant changes in volume when the interventions were introduced.

The remaining six cities having significant autocorrelations were Boston, Chicago, Nashville, Oklahoma City, San Antonio, and Wichita. The time series for these cities were modeled with the ARIMA process and tests were made to determine whether interventions in these cities changed the level of incidents involving firearm discharges. Details of these analyses are presented in Appendix L and will not be repeated here because of their technical nature. Table 4 in Appendix L gives a summary of the results by listing for each of the six cities the interventions, their dates, the amount of change as estimated by the model, and the significance of the changes. The column with the delta symbol at the top is the amount of change as estimated by the model. The next column is the t-statistic associated with the interventions, and the final column indicates whether the t-statistic is significant at the five percent level.

Table 4 also illustrates one problem in applying the ARIMA models to time series data which contain several interventions. In many instances, interventions had to be combined because they happened so close together. For example, in Boston, there was an indictment in November 1974 and an off-duty employment policy implementation in December 1975. These two interventions were combined and considered as having an effect beginning in January 1976. The analysis shows, in fact, that the delta value is significant for this pair of interventions. With the Nashville data, there were eight individual interventions which have been combined into four groups of changes. Since these changes occurred over a 60-month period, there could be some question on the stability of the data between interventions. Most intervention analysis is performed when there is a large number of months between interventions. Unfortunately, the nature of the data in this application did not generally have many months between interventions. However, even with this problem, it is interesting to note that the ARIMA models did identify some significant changes in three of the time series. These are explained in the following paragraph.

The data for Chicago showed a continual decrease in incidents over the four years for which data were provided. According to the model results, the primary decrease is associated with the change in chiefs of police in April 1977. Some decrease occurred before this date but accelerated after April 1977. In Nashville, there was an increase in incidents with firearm discharges after the introduction of a SWAT unit in April 1976. This increase is significant at the 10 percent level but not at the five percent level. The model also indicates a significant decrease in incidents beginning after January 1979 when a new policy on carrying weapons off-duty was introduced. In Oklahoma City, there was an increase in incidents after January 1976 which is associated with an employee job action and the introduction of a hostage negotation unit. Oklahoma City also had changes in the last half of 1978 which were found to be associated with an increase in incidents by the model although the t-statistic is significant at the 10 percent but not the five percent level. Finally, the interventions in San Antonio and Wichita were not found to have been associated with any changes in the level of incidents.

Testing of Hypotheses

Each survey question or set of questions was developed to collect sufficient data from which we could test several hypotheses concerning the impact that policy, organization, equipment, and training had on the rate of justifiable homicide by police (JHR). Each of the hypotheses was subjected to one or more of the statistical analyses previously explained (time series, t-test, correlation). Each hypothesis is stated below with discussion and findings.

Issues Regarding Personnel Management

Hypothesis (1)

When a police chief executive turnover occurs, a subsequent reduction in the JHR will result.

The conjecture for this hypothesis is that each new police chief will immediately implement a study of the deadly force issue or at least reinforce the intent of an existing policy. This thrust of activity and/or any subsequent policy change should generally result in a more restrictive policy.

Findings. The turnover of the police chief executive apparently has little effect on the mean JHR. Those agencies experiencing a changeover within the five-year study period (1975-1979) had a mean JHR of .29, while those agencies that did not have a change experienced a JHR of .27. This difference is statistically insignificant.

However, the ARIMA model for Chicago showed a continual decrease in firearm discharges over four years for which data were provided. According to the model results, the primary decrease is associated with the change in chief of police in April 1977.

TABLE 34

RELATIONSHIP
JHR* : POLICE CHIEF TENURE

	Agencies Reporting		Mean JHR	Significant?
Turnover has occurred within 5 years	no	17	.27	no
	yes	37	.29	

*Justifiable Homicide Rate

Hypothesis (2)

Police departments with a low ratio of police officers to population will experience a high JHR.

The perceptions of police officers and citizens about crime may be related to the amount of territory and the number of people to be serviced by each officer. Police officers who have either large areas or many people to control may find themselves in a more threatening position, less able to prevent crimes, or overwhelmed by the number of calls to which they must respond. These job pressures may vary across departments and localities and are likely to manifest a negative effect on police service and officer behavior.

Findings. A comparison of the ratio of police officers to population does not indicate a significant relationship of high JHR to a high police/population ratio. Departments with an officer/population ratio less than 2.35 officers per 1,000 experienced a mean JHR of .30 as opposed to a ratio of more than 2.35 yielding a mean JHR of .25. The regression analysis identified the number of police officers as the most important variable in explaining the volume of firearm discharges in an agency. This variable alone explained about 74 percent of the variability in the number of incidents from city to city.

TABLE 35

RELATIONSHIP
JHR : RATIO OF OFFICERS TO POPULATION

	Agencies Reporting	Mean JHR	Significant?
Officer ratio less than 2.35 per 1,000 population	36	.30	no
Officer ratio greater than 2.35 per 1,000 population	18	.25	

Hypothesis (3)

The fewer the number of first-line supervisors in proportion to line officers, the higher the JHR will be.

It is speculated that lone unsupervised officers will more often resort to the use of deadly force than will those officers who receive close attention, back-up support, and direction from on-the-scene supervisors. This hypothesis does not take into consideration the accountability, reporting requirements, training, and other personal qualities of individual supervisors.

Finding. In those agencies which have a supervisor/officer ratio of less than 1:10, the mean JHR is .24 while the agencies with a ratio of more than 1:10 experienced a mean JHR of .33. Further, a department-by-department comparison of the supervisor/officer ratio to the JHR reflects a significant (.39) correlation which means that as the ratio increases the JHR also increases. This strong correlation infers that departments with sufficient numbers of street supervisors providing tactical guidance and manpower support will have a lower incidence of use of deadly force.

TABLE 36

RELATIONSHIP
JHR : RATIO OF OFFICERS TO SUPERVISORS

	Agencies Reporting	Mean JHR	Significant?
Officer ratio less than 10 per supervisor	27	.24	yes
Officer ratio more than 10 per supervisor	25	.33	

Hypothesis (4)

As the level of department education increases, officers will more frequently utilize alternative measures for conflict resolution and less frequently use deadly force.

Average levels of education among the police officers as well as entrance requirements may be related to police performance. Education in the social sciences may aid in reducing prejudices and promoting understanding for people from different backgrounds and cultures. Additional social skills development and an increase in communication skills are usual benefits derived from advanced study. Department requirements that entering applicants possess a college background or that current staff increase their educational attainments may result in police staffs that are less reliant upon force as a means to resolve conflict and more adept in using persuasion techniques.

Finding. There does not appear to be a statistically significant relationship between education and the justifiable homicide rate. There are noteworthy trends, however, which show agencies with high education (entrance and actual) standards are experiencing lower justifiable homicide rates.

TABLE 37

EDUCATION LEVEL OF SWORN POLICE OFFICERS

	1979	1978	1977	1976	1975
Mean	13.4	13.4	13.1	13.1	12.9
Maximum	15.1	15.0	15.0	15.0	15.0
Minimum	12.0	12.0	12.0	12.0	12.0
Agencies Responding	26	18	17	15	15

TABLE 38

RELATIONSHIP

JHR : POLICE EDUCATION

	Agencies Responding	Mean JHR	t-Value	Significant?
Recruit standard GED or High School	46	.29	1.15	no
Recruit standard 1 or more years college	7	.21		
In-service officers education less than 13 years	15	.33		
In-service officers education more than 13 years	12	.30		

Hypothesis (5)

Departments with a lower mean age of sworn police officers will experience a higher justifiable homicide rate.

Age is one factor in the determination of maturity. Age may also be an indicator of department turnover rate. Age and turnover together may indicate in part the quality of the policing staff. Police departments with high rates of turnover will probably have younger, less skilled line officers. This absence of skill and maturity could lead to a high JHR.

Findings. Our findings are contrary to the stated hypothesis. Comparing the five-year JHR to the five-year age level of sworn police officers indicates that agencies with younger officers seem to experience a lower JHR (.27) than do agencies with older officers (.33).

TABLE 39

AGE OF SWORN NONSUPERVISORY OFFICERS

	1979	1978	1977	1976	1975
Mean	32.6	30.9	31.1	30.4	29.9
Maximum	46	39	40	38	38
Minimum	25	24	24	24	24
Agencies Responding	27	15	15	13	13

TABLE 40

RELATIONSHIP
JHR : AVERAGE AGE OF NONSUPERVISORY OFFICERS

	Agencies Responding	Mean JHR	Significant?
Age 30 or less	8	.27	no
Age 30 or more	21	.33	

Hypothesis (6)

Police agencies requiring preservice psychological examinations for police officers will experience a lower rate of justifiable homicide than will agencies that do not require such examinations.

The screening out of unsuitable police applicants is of paramount importance in the overall recruitment and selection process for employing police officers. It is assumed that a professional preservice psychological examination would play a major role in screening out applicants who do not possess the maturity required to correctly carry out the awesome responsibilities of a police officer. Those agencies requiring such process should experience fewer preventable justifiable homicides.

Findings. Police agencies that require a preservice psychological examination experienced a mean JHR of .29 while those not requiring a preservice psychological exam had a mean JHR of .24. This indicates that those agencies utilizing the psychological examination have a higher JHR but one that is statistically insignificant at the 0.84 value.

TABLE 41

RELATIONSHIP
JHR : PRESERVICE PSYCHOLOGICAL

	Agencies Responding	Mean JHR	t-Value	Significant?
No psychological	11	.24	0.84	no
Psychological	43	.29		

Issues Regarding Organization

Hypothesis (7)

The existence and control of a SWAT unit will have a decreasing effect on the justifiable homicide rate.

A SWAT unit is designed to confront armed, fortified criminals. Unit members are generally selected for their mental stability, expertise with specific firearms and equipment, and negotiating ability. Units are highly trained to defuse volatile situations. The tactics of such units are planned, exercised, and procedurally evaluated before and after confrontations. The SWAT unit presence infers expertise to the criminal. These assumptions should all encourage surrender rather than fight to the armed criminal.

Finding. Both the t-test and the regression analysis indicate that the presence of a SWAT unit tends to decrease the shooting incidents and JHR.

Most other factors such as selection standards for unit members, unit training, and unit weapons do not impact significantly on the shooting rate or JHR.

The issuance of automatic weapons, shotguns, smoke grenades, and magnum handguns does not impact on the JHR. We could not test the issuance of rifles because all agencies use them. Agencies which use semi-automatic handguns experience a significantly higher (.36) JHR compared to those which do not (.23). This finding is reinforced with a test of the relationship between agencies which do not use a standard service revolver (.39) versus those which do (.26).

TABLE 42

RELATIONSHIP
JHR : SWAT UNIT SELECTION STANDARDS

		Agencies Responding	Mean JHR	t-Value	Significant?
Existence of SWAT unit	no	6	.32	---	no
	yes	48	.28		
Selection standards Years of service	no	4	.29	n/a	no
	yes	44	.28		
Selection standards Physical evaluation	no	2	.05	n/a	no
	yes	46	.16		
Selection standards Psychological	no	25	.26	-0.62	no
	yes	23	.29		
Selection standards Age	no	27	.29	0.30	no
	yes	21	.27		
Selection standards Firearms proficiency	no	11	.35	1.45	no
	yes	37	.26		

TABLE 43

RELATIONSHIP
JHR : SWAT UNIT WEAPONS

		Agencies Responding	Mean JHR	t-Value	Significant?
High power rifle	no	0		n/a	n/a
	yes	48	.28		
Automatic (machine gun)	no	22	.27	-0.46	no
	yes	26	.29		
Shotgun	no	1	.15	n/a	n/a
	yes	47	.28		
Semi-automatic handgun	no	31	.23	-2.60	yes
	yes	17	.36		
Smoke grenades	no	3	.20	n/a	n/a
	yes	45	.28		
Magnums	no	36	.29	0.47	no
	yes	12	.26		
Stun gun	no	44	.27	n/a	n/a
	yes	4	.42		
Service revolver	no	6	.39	1.73	yes
	yes	42	.26		

TABLE 44

RELATIONSHIP
JHR : SWAT UNIT TRAINING AGENT

		Agencies Responding	Mean JHR	t-Value	Significant?
By FBI	no	25	.30	0.51	no
	yes	29	.27		
By state	no	41	.28	0.46	no
	yes	7	.25		
By local department	no	6	.32	0.48	no
	yes	48	.28		
Pre-service training					
Less than 40 hours		37	.28	----	no
More than 40 hours		17	.29		
In-service training					
Less than 96 hours		36	.25	----	yes
More than 96 hours		18	.34		

Hypothesis (8)

The existence and control of a "stake-out" unit will have an effect on the justifiable homicide rate.

A stake-out unit is generally designed to confront robbery suspects at known robbery-prone locations. Such confrontations usually result in use of firearms. A natural assumption would then be that as such units develop, deadly force would increase. As management controls (unit member selection standards and weaponry) increase or become more restrictive, a resultant decrease in the use of firearms should occur.

Findings. The existence of a stake-out unit does not statistically show a relationship to the JHR. However, when the agency chooses to have a stake-out unit without a management policy directive, its JHR (.41) is significantly greater than those with policy (.19).

The only stake-out unit selection standard that seems to have an impact on the JHR is a physical evaluation. Agencies that require such a standard have a higher JHR (.39) than agencies which do not (.21).

There appears to be little significance between the type of weapon issued to stake-out unit members and the JHR.

TABLE 45

RELATIONSHIP
JHR : STAKE-OUT UNIT

		Agencies Responding	Mean JHR	t-Value	Significant?
Existence of stake-out unit	no	40	.27	-0.72	no
	yes	14	.31		
Policy on management of unit	no	8	.41	1.83	yes
	yes	6	.19		

TABLE 46

RELATIONSHIP
JHR : STAKE-OUT UNIT SELECTION STANDARDS

		Agencies Responding	Mean JHR	t-Value	Significant?
Years of service	no	3	.29	-0.15	no
	yes	11	.32		
Physical evaluation	no	6	.21	-1.46	no
	yes	8	.39		
Psychological evaluation	no	8	.28	-0.55	no
	yes	6	.35		
Age	no	10	.28	-0.82	no
	yes	4	.40		
Firearms qualification	no	7	.28	0.41	no
	yes	7	.34		

TABLE 47

RELATIONSHIP
JHR : STAKE-OUT UNIT WEAPONS

		Agencies Responding	Mean JHR	t-Value	Significant?
High power rifle	no	11	.29	-0.58	no
	yes	3	.39		
Automatic weapon	no	11	.36	1.32	no
	yes	3	.15		
Shotgun	no	1	.09	-0.96	no
	yes	13	.33		
Semi-automatic handgun	no	11	.15	-1.39	no
	yes	3	.24		
Service revolver	no	1	.09	-0.96	no
	yes	13	.33		
Smoke grenade	no	11	.29	-0.58	no
	yes	3	.39		
Magnum handgun	no	12	.33	0.76	no
	yes	2	.19		
Stun gun	no	14	---	---	---
	yes	0	---		

Hypothesis (9)

Departments with active hostage negotiation units and training will experience fewer confrontations resulting in homicidal death by police officer.

A hostage negotiation unit is trained to negotiate a release of hostages and surrender of their captors. This release and surrender is to be accomplished without the use of force. Trained negotiators are better prepared to resort less often to deadly force, thus a reduction in the JHR should occur.

Findings. This hypothesis cannot be proven statistically. Agencies without hostage negotiation units had a JHR of .24 while those with such units experienced a JHR of .29. There were 46 agencies which indicated that they had a hostage negotiation unit, of which 38 had policy and eight did not have policy relative to the management and operation of the unit. Those without the policy had a JHR of .36 compared to those with policy, .28.

There is a positive trend that has practical implications which indicates agencies without hostage negotiation training are experiencing a higher (but not statistically significant) JHR than agencies with such training.

Both the regression analysis and the ARIMA models showed that firearm use incidents tended to decrease with the presence of hostage negotiation units.

TABLE 48

RELATIONSHIP
JHR : HOSTAGE NEGOTIATION UNIT

		Agencies Responding	Mean JHR	t-Value	Significant?
Existence of hostage negotiation unit	no	8	.24	-0.70	no
	yes	46	.29		
Hostage negotiation policy	no	8	.36	1.13	no
	yes	38	.38		
Selection standard Years of service	no	14	.25	-0.97	no
	yes	32	.31		
Selection standard Psychological evaluation	no	23	.27	-0.70	no
	yes	23	.31		
Selection standard Age	no	29	.30	0.41	no
	yes	17	.27		
Selection standard Rank	no	25	.31	0.84	no
	yes	21	.26		
Pre-service training	no	20	.33	1.41	no
	yes	28	.26		
In-service training	no	13	.33	1.08	no
	yes	37	.27		

Hypothesis (10)

The existence and control of a "decoy" unit will have an effect on the justifiable homicide rate.

A decoy unit is designed to "entrap" street criminals by using "decoy" officers as potential victims. This type of activity naturally should lead to confrontations between officer and criminal. As these confrontations increase, the potential use of firearms should also increase. Each subsequent management control placed on the unit should have a decreasing effect on the JHR.

Findings. The mere existence of a decoy unit has no statistically significant bearing on the JHR. However, once the unit is established, the existence of a policy to control the unit seems to have a reducing effect on the agency's JHR.

TABLE 49

RELATIONSHIP
JHR : DECOY UNIT

		Agencies Responding	Mean JHR	t-Value	Significant?
Existence of decoy unit	no	33	.30	0.82	no
	yes	21	.26		
Decoy unit policy	no	11	.33	1.82	yes
	yes	7	.15		
Selection standard Sworn officer	no	4	.29	0.68	no
	yes	17	.26		
Selection standard Years of service	no	6	.30	1.15	no
	yes	15	.24		
Selection standard Psychological evaluation	no	15	.29	0.55	no
	yes	6	.24		
Selection standard Seniority/Age	no	12	.30	1.22	no
	yes	9	.22		

Issues Regarding Management Controls

Hypothesis (11)

Departments with comprehensive internal records of firearm discharges will experience fewer incidents of justifiable homicide by the police.

Police departments vary with regard to policies regulating the discharge of firearms and use of ammunition. There may be inventory systems whereby past issuances of ammunition supplies must be accounted for before new supplies may be taken. Accountability for firearms discharges may take a variety of forms depending upon situational circumstances and the results of the discharge. Policies may range from the filing of reports, changes in assignments, being placed on administrative leave, or other disciplinary action taken against the officer. One way of examining policies is to classify the degree of civilian injury following the discharge of a firearm as follows: no injury, minor injury, civilian disabled, and death. Other questions which are used to particularize the various requirements are: what kinds of reports must be filed, what type of information must be supplied, who will see the reports, who takes the ultimate responsibility for the officer's actions, and who determines whether the officer is placed on leave or is switched on assignments? In more serious situations, what are the procedures relating to appearances before a panel or other disciplinary actions? What is the make-up of such panels, and what are the limits of their authority? What type of punishment is imposed in unjustified shootings? All of these possible policy procedures have important implications for the responsibility that individual police officers must assume for their own actions when using a firearm.

Both the quantity and quality of such internal reporting of firearms discharges should be a reflection of administrative concern for the issue. As administrative concern increases a similar increase of awareness will occur among the police officers. This concern and awareness should result in a lower justifiable homicide rate.

Findings. The complexities and numbers of files, records, and other controls did not allow us sufficient specificity for applying statistical tests to this hypothesis. The issue of records, however, does surface throughout this study. And, even without the benefit of statistical analysis, our findings do seem to suggest that a comprehensive system of policy, procedure, and records does seem to be associated with fewer incidents of use of deadly force.

Hypothesis (12)

Where an indictment has been found or civil retribution ordered for a use of deadly force incident, that department's justificble homicide rate will reflect a significant downturn.

When an officer is found to be negligent to the point of judicial finding coupled with retribution, the department personnel will react in some manner to the finding. In the case of an adverse ruling in a seemingly justifiable homicide, the officers would probably react through a decrease in shooting incidents.

Findings. The regression analysis identified the number of indictments which the departments had experienced as very important in explaining the volume of firearm discharges. The coefficients were negative which indicates that this variable tended to reduce the number of incidents involving firearm discharges.

Hypothesis (13)

Police departments under a union labor contract agreement will experience a higher justifiable homicide rate than agencies not subjected to such contractual controls.

It is assumed that employee associations will generally resist a firearms policy which restricts the authority to use deadly force. More specifically, when the "association" does in fact address the issue, it will do so in a manner which results in a higher shooting rate.

Findings. The simple issue of having a union or employee association does not impact significantly on the JHR.

Those agencies in which the union has addressed the issue of firearms policy had a mean JHR of .35, while those that have not had union input experienced a JHR of .27. The t-value (1.24) is statistically insignificant but nevertheless exhibits a trend.

Agencies which have experienced a labor strike (20) also reflect a higher (.31) JHR than those agencies which have not (.24). The difference of this relationship is not statistically significant, but it is a trend worth noting.

The regression analysis identified labor strikes or other job actions as very important in explaining the volume of firearm discharges. The positive coefficient indicates that the presence of this variable tended to be associated with an increase in the number of firearm discharges.

In the ARIMA test, Oklahoma City reflected an increase in firearm discharges after January 1976 following an employee job action.

The t-test also showed a definite negative trend (-1.33) indicating strikes are associated with a down trend in the number of shooting incidents.

TABLE 50

RELATIONSHIP
JHR : POLICE UNIONS

	Agencies Responding	Mean JHR	t-Value	Significant?
No contract	13	.32	0.75	no
Contract	41	.27		
No strike	21	.24	-1.33	no
Strike	20	.30		
Union has not addressed firearms policy	46	.27	1.24	no
Union has addressed firearms policy	8	.35		

Hypothesis (14)

As the bureaucratic involvement in firearm use investigations increases, the propensity to use deadly force will decrease.

The level of investigative and administrative response to a police shooting will demonstrate the level of departmental significance to the issue. As the bureaucratic inputs increase, officer awareness also increases. The greater the bureaucracy the more reluctant the officers are to become involved. This in turn should reduce the number of total street confrontations that the officer chooses to take part in.

Findings. The administrative presence is indeed reflected in the JHR: the response of the patrol division commander is coupled with a high JHR; the District Attorney involvement, both in reviewing deadly force incidents and in pursuit of criminal charges, is associated with a high JHR; a police chief review of incidents seems to be related to a lower JHR.

There are also positive and negative trends in several other areas of bureaucratic response to deadly force. The interpretation of these correlations and trends is difficult because of the negative and plus values. One could surmise that the bureaucratic input is indeed having an effect. However, the bureaucracy may simply be responding to a high JHR as seems to be the indiction in several of the categories mentioned above. (See Tables 51, 52, and 53.)

TABLE 51

RELATIONSHIP
JHR : RESPONSE TO SCENE OF DEADLY FORCE INCIDENTS

		Agencies Responding	Mean JHR	t-Value	Significant?
First-line supervisor	no	4	.38	n/a	n/a
	yes	50	.27		
Shift commander	no	21	.27	-0.42	no
	yes	33	.29		
Patrol division commander	no	40	.25	-2.71	yes
	yes	14	.39		
Internal affairs unit	no	32	.27	-0.69	no
	yes	22	.30		
Police chief	no	45	.28	-0.67	no
	yes	9	.32		
Mayor or manager	no	54	.28	n/a	n/a
	yes	0	---		
District Attorney	no	44	.27	-1.14	no
	yes	10	.34		

TABLE 52

RELATIONSHIP
JHR : REVIEW OF DEADLY FORCE INCIDENTS

		Agencies Responding	Mean JHR	t-Value	Significant?
Department command staff	no	23	.28	0.04	no
	yes	31	.28		
Internal affairs unit	no	21	.29	0.19	no
	yes	33	.38		
Police chief	no	11	.37	1.88	yes
	yes	43	.26		
Mayor or manager	no	49	.29	n/a	n/a
	yes	5	.23		
Department review board	no	23	.26	-0.74	no
	yes	31	.30		
Civilian review board	no	54	---	n/a	n/a
	yes	0			
District Attorney	no	15	.22	-1.68	yes
	yes	39	.31		
Police union	no	54	---	n/a	n/a
	yes	0			

TABLE 53

RELATIONSHIP
JHR : DECISIONMAKERS TO PURSUE CRIMINAL CHARGES AGAINST POLICE OFFICERS WHO USE DEADLY FORCE

		Agencies Responding	Mean JHR	t-Value	Significant?
Department command staff	no	39	.28	0.15	no
	yes	15	.28		
Police chief	no	24	.31	1.20	no
	yes	30	.26		
Mayor or manager	no	51	.28	n/a	n/a
	yes	3	.25		
Department review board	no	43	.29	0.84	no
	yes	11	.24		
Civilian review board	no	54	---	n/a	n/a
	yes	0			
District Attorney	no	4	.14	n/a	n/a
	yes	50	.29		
Police union	no	54	---	n/a	n/a
	yes	0			
State investigative unit	no	52	.28	n/a	n/a
	yes	2	.42		
FBI	no	46	.27		
	yes	8	.31	-0.77	no

Hypothesis (15)

A post-shooting administrative leave or assignment and psychological counseling policy will be associated with a low JHR.

The assignment of an officer immediately after a shooting incident will demonstrate a level of consciousness on the part of the department both toward the officer and the subsequent incident investigation. This treatment will be viewed by officers as significant issues worthy of their future considerations.

Findings. The responses to the administrative leave questions were not adequate to produce the necessary mathematical calculations. (See Table 54.)

Regarding mandatory psychological review for officers involved in a shooting, there does not appear to be a significant relationship to the JHR. (See Table 55.)

TABLE 54

OFFICER ASSIGNMENT AFTER USING DEADLY FORCE

Assignment	Agencies Responding
Regular	11
Reassignment to other department unit	6
Administrative leave	9
Other	28

TABLE 55

RELATIONSHIP
JHR : PSYCHOLOGICAL SERVICES FOR OFFICERS USING DEADLY FORCE

		Agencies Responding	Mean JHR	t-Value	Significant?
Department provides psychological help	no	15	.31	0.65	no
	yes	39	.27		
Attendance is mandatory	no	47	.27	-1.23	no
	yes	6	.37		

Hypothesis (16)

A restrictive local gun registration law will result in fewer numbers of justifiable homicides by the police.

A restrictive local law on firearm registration is indicative of local attitude toward crime and safety. This attitude will be reflected in a low crime rate which in turn will be mirrored in a low justifiable homicide rate.

Findings. There does not appear to be a statistical significance relation to gun registration and the JHR.

TABLE 56

RELATIONSHIP
JHR : GUN REGISTRATION LAW

	Agencies Responding	Mean JHR
Handgun		
No law	10	.28
State law only	31	.29
Local law	13	.27
Rifle		
No law	11	---
State law only	33	---
Local law	8	---
Not applicable	2	---

TABLE 57

RELATIONSHIP
JHR : GUN REGISTRATION LAW

		Agencies Responding	Mean JHR	t-Value	Significant?
Local firearm registration is more restrictive than state law	no	31	.29	0.30	no
	yes	13	.27		

Hypothesis (17)

Departments which mandate training immediately upon appointment will experience a lower justifiable homicide rate than those departments which provide training at a later time.

Hypothesis (18)

Departments which operate their own police training academies will experience a higher justifiable homicide rate than departments utilizing an outside resource for training.

Hypothesis (19)

The mere quantity of total mandated state or local police training hours will not have an effect on the justifiable homicide rates without specific increases in quality of firearms training.

It has been found that learning "anticipatory socialization" takes place before formal police organizational training. This training includes formal education, exposure to police practices, behavior and comments of instructors, and contacts with others. However, the greatest amount of cognitive learning in assuming the role of a police officer occurs within the "formal" recruit training program.[6] Those agencies that permit recruits to perform police services without the benefit of receiving adequate training are flirting with danger. Mere training hours, however, without quality control may not be significantly more valuable than no training. Regarding use of force, officers must be instructed in the use of firearms and other weapons and defensive tactics. They must understand not only how to use them but under what circumstances the use of a weapon is appropriate. Of critical importance is whether the use of alternative weaponry is taught. Instruction in crisis intervention and social service training are also valuable tools for police officers to have made available to them. If they are to be effective users and not abusers of force, police officers must receive thorough instruction in the handling of firearms and must be given opportunities to learn alternate means of dealing with people in tense and crisis situations.

Findings. Agencies that require training immediately upon appointment had an average JHR of .27. Those agencies that permit officers a certain amount of time before training is required had an average JHR of .34. This is statistically insignificant at t-value of 1.24, but of sufficient value to take note.

Regarding departmental versus outside training, there does not appear to be a relationship to the JHR.

There appears to be a relationship of training hours to JHR. Those agencies that fall above the mean (645) number of training hours experience a lower JHR (.25) as compared to those agencies that provide fewer hours of training (.32).

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[6] James W. Sterling, Changes in Role Concepts of Police Officers (Gaithersburg, Md.: International Association of Chiefs of Police, 1972), pp. 11, 12.

TABLE 58

RELATIONSHIP
JHR : POLICE TRAINING

	Agencies Responding	Mean JHR	t-Value	Significant?
Immediate training	42	.27	1.24	no
Training within one year	11	.34		
Department training academy	48	.29	0.65	no
Outside training	6	.24		

TABLE 59

DEPARTMENT V. STATE-MANDATED TRAINING

	Department Required Hours	State Mandated Hours	Difference Department-State Hours
Mean	645	322	316
Maximum	1,100	600	808

Hypothesis (20)

A strict policy regarding physical fitness requirements for officers should have a positive effect in reducing the number of incidents of use of deadly force.

It has been shown that physical fitness is conducive to stress reduction. Stress plays a significant role in police firearm discharges. We have therefore speculated that a comprehensive physical fitness program may lead to stress reduction which in turn could result in fewer confrontations which end in firearm discharges.

Findings. There does not appear to be a statistically significant relationship between justifiable homicide and physical fitness training.

TABLE 60

RELATIONSHIP
JHR : PHYSICAL FITNESS

	Agencies Responding	Mean JHR	t-Value	Significant?
Pre-service officers				
No fitness program	12	.29	0.26	no
Fitness program	42	.28		
In-service officers				
No fitness program	48	.28	0.00	no
Fitness program	6	.28		

Hypothesis (21)

The police officer's ability to recognize dangerous combat situations and his knowledge of responsible counteractions will result in a reduction of instances in which officers will resort to the use of deadly force.

Findings. Physical combat skills training does not appear to statistically affect the JHR when the agency provides the training to in-service officers.

TABLE 61

DEPARTMENTAL PHYSICAL COMBAT SKILLS TRAINING

	Hours of Training Pre-service Officers	Hours of Training In-service Officers
Mean	46	7.8
Maximum	184	40
Minimum	5	1

TABLE 62

RELATIONSHIP
JHR : PHYSICAL COMBAT SKILLS TRAINING

	Agencies Responding	Mean JHR	t-Value	Significant?
Pre-service				
Training	51	.29	n/a	n/a
No training	3	.13		
In-service				
Training	34	.29	0.27	no
No training	20	.27		

Hypothesis (22)

The number of crisis intervention training hours will correlate to the rate of incidents in which deadly force is used; more training hours to fewer incidents.

Crisis intervention training is designed to provide the police officer with alternative means of resolving conflict. As these means become known to the officers, they should be better prepared to resolve conflict before a final resort must be applied.

Findings. There is no statistical significance to the t-test regarding in-service or pre-service crisis intervention training and the JHR. However, when a comparison was made of the agencies outside of their groups, the correlation coefficients were both significant. Pre-service training was associated with a high JHR while in-service training was associated with a low JHR.

TABLE 63

RELATIONSHIP
JHR : CRISIS INTERVENTION TRAINING

	Agencies Responding	Mean JHR	t-Value	Significant?
Pre-service				
No C.I. training	4	.17	1.36	no
C.I. training	50	.29		
In-service				
No C.I. training	18	.29	0.17	no
C.I. training	36	.28		
Correlation Coefficient				
Pre-service training		-.31		yes
In-service training		+.35		

Hypothesis (23)

As firearms training increases in frequency per year, the justifiable homicide rate will decrease.

Hypothesis (24)

Disregarding curriculum and individual trainers, the training organization will not have a significant impact on the rate of justifiable homicide.

Firearms training has been a hallmark of police training. There is probably no single aspect of police training that receives more emphasis than does training officers how to shoot. Such training has traditionally emphasized marksmanship. Many departments reward marksmanship with commendations, medals, and other awards. Experts have developed firearms shooting courses that attempt to simulate every aspect of situations that officers may encounter. Police officers, trainers, and police executives have long felt that firearms training is essential to officer survival. For similar reasons, we supposed that quantity of firearms training could also impact on the shooting rate of the police officers.

Findings. A t-test of both these hypotheses resulted in statistical insignificance finding.

TABLE 64

RELATIONSHIP
JHR : FIREARMS TRAINING

		Agencies Responding	Mean JHR	Significant?
Conducted by department	no	3	.32	no
	yes	51	.28	
Training frequency				
1 session per year		17	.32	no
more than 1 per year		37	.27	
Non-shooting firearms training				
less than 10 hours		21	.31	no
more than 10 hours		32	.26	
Pre-service shooting hours				
less than 40		11	.23	no
more than 40		39	.29	
In-service shooting hours				
less than 8		41	.26	no
more than 8		12	.32	
Simulator-stress-exertion firearms training	no	24	.37	no
	yes	30	.33	

Hypothesis (25)

Departments which emphasize simulator, stress, and physical exertion firearms training will experience fewer actual firearms incidents as opposed to departments which emphasize the more traditional bulls-eye and position-shooting training.

We surmised that as firearm combat training becomes more sophisticated in quality and situational realism, the quality of shootings would also improve. That is, more shootings would be found to be reasonable and within policy and legal bounds.

Findings. The t-test results do indicate a relationship between the justifiable homicide rate and stress/exertion firearm training. The relationship is, however, contrary to our hypothesis. Agencies with stress/exertion type courses are in fact experiencing a higher JHR than are agencies without such training. A note of caution is again warranted. The high JHR may be causing an increased emphasis on stress/exertion training rather than the training causing the high JHR.

TABLE 65

RELATIONSHIP
JHR : PRE-SERVICE FIREARMS TRAINING

Pre-Service Officers		Agencies Responding	Mean JHR	t-Value	Significant?
Practical pistol course	no	6	.27	0.23	no
	yes	48	.28		
Double action course	no	7	.35	1.01	no
	yes	47	.27		
Close combat course	no	10	.35	1.30	no
	yes	44	.27		
Position shooting course	no	11	.30	0.40	no
	yes	43	.28		
Tactical course	no	27	.29	0.14	no
	yes	27	.28		
Exertion course	no	32	.25	-1.65	yes
	yes	22	.33		
Stress course	no	24	.24	-1.40	no
	yes	30	.31		
Shooting simulator	no	44	.29	0.43	no
	yes	10	.26		

TABLE 66

RELATIONSHIP
JHR : IN-SERVICE FIREARMS TRAINING

In-Service Officers		Agencies Responding	Mean JHR	t-Value	Significant?
Practical pistol course	no	11	.28	-0.05	no
	yes	43	.28		
Double action course	no	8	.35	1.24	no
	yes	46	.27		
Close combat course	no	14	.31	0.77	no
	yes	40	.27		
Position shooting course	no	17	.29	0.13	no
	yes	37	.28		
Tactical course	no	25	.27	0.34	no
	yes	29	.29		
Exertion course	no	42	.26	-1.80	yes
	yes	12	.36		
Stress course	no	30	.25	-1.62	yes
	yes	24	.33		
Shooting simulator	no	46	.28	0.39	no
	yes	8	.31		

Hypothesis (26)

The greater the number of hours of non-shooting (legal, moral, policy aspects) firearms training, the less the frequency of combat use of firearms.

Departments devote considerably more training time to actual firearm shooting than to the reasons why such shootings should or should not occur. Considerable thought goes into the development of a firearms policy. Such considerations include the constitutional issues involved, state law, and the moral implications of a decision to shoot. We surmise that if more time were devoted to these issues (not in lieu of actual shooting but in addition to), the JHR may be reduced.

Findings. No statistical significance is found in a test of this hypothesis. But, both a t-test and correlations show non-shooting firearm training related in a positive manner to low JHR.

TABLE 67

HOURS OF ANNUAL FIREARMS TRAINING

	Legal Aspects	Moral Aspects	Policy Aspects	Actual Shooting
Pre-service officers				
Mean	4.7	2.6	2.6	48.9
Maximum	60.0	12.0	8.0	120.0
Minimum	0	0	0	0
In-service officers				
Mean	0.8	0.7	0.7	6.7
Maximum	4.0	4.0	4.0	24.0
Minimum	0	0	0	0

TABLE 68

RELATIONSHIP
JHR : FIREARMS TRAINING

	Pre-Service	In-Service	Significant?
Legal aspects	.20	.14	no
Ethical/moral aspects	.23	.04	no
Policy aspects	.26	.01	no
Actual shooting	.18	.12	no

Hypothesis (27)

Officer marksmanship training awards will result in an increase in the justifiable homicide rate.

Positive incentives (marksmanship awards) for firearm training indicates a concern for officer survival. These same incentives and resultant firearm accuracy should also result in a greater hit ratio in actual combat situations. As hits increase, it is natural to assume that the JHR will also increase.

Finding. The t-test of this hypothesis shows that marksmanship training awards are in fact associated with high justifiable homicide rates at a 1.76 value. Agencies with such awards have a JHR of .32 while agencies without the awards have a JHR of .22.

TABLE 69

RELATIONSHIP
JHR : INCENTIVES FOR MARKSMANSHIP

	Agencies Responding	Mean JHR	t-Value	Significant?
No incentive	19	.22	1.76	yes
Incentive	35	.32		

Hypothesis (28)

Police agencies that administer negative discipline to police officers who fail to qualify with their weapons during firearm training will experience a high justifiable homicide rate.

The rationale behind this hypothesis is the same as was indicated in hypothesis 27 regarding marksmanship. Negative sanctions for failing to qualify are designed to increase marksmanship. As marksmanship is increased, the JHR should also increase.

Finding. The t-test of this hypothesis did not result in a finding of statistical significance.

TABLE 70

RELATIONSHIP
JHR : IN-SERVICE OFFICERS FAILURE
TO QUALIFY WITH WEAPON

		Agencies Responding	Mean JHR	t-Value	Significant?
Suspension	no	50	.29	n/a	n/a
	yes	4	.24		
Dismissal	no	46	.30	1.37	no
	yes	8	.20		
Desk assignment	no	44	.28	-0.19	no
	yes	10	.29		

Hypothesis (29)

Training in the principles of "officer survival" will result in fewer incidents of firearm use and a subsequent lower JHR.

We supposed that officer survival training would better prepare the officer to react safely toward the unexpected armed attack. This preparation would then enable the officer to capture his attacker without the use of deadly force.

Findings. Our findings are contrary to the hypothesis. There is a significant (-3.11) correlation between in-service officer survival training and the JHR. But, agencies with such training have a higher mean JHR (.34) than do agencies without the training (.20). Concerning pre-service training, there appears to exist a similar trend but it is not quite statistically significant (-1.52).

TABLE 71

RELATIONSHIP
JHR : OFFICER SURVIVAL TRAINING

		Agencies Responding	Mean JHR	t-Value	Significant?
Pre-service training	no	21	.24	-1.52	no
	yes	33	.31		
In-service training	no	20	.20	-3.11	yes
	yes	32	.34		

Hypothesis (30)

Departments which permit officers to purchase and carry their own personal duty weapon will experience a higher justifiable homicide rate than will departments that furnish such weapons.

It is assumed that a department-owned firearm will be subject to more agency controls than will individually owned weapons. As firearm controls increase (registration, size and ammunition restrictions, reports, inspections) the officer is constantly being made aware of the weapon. As this awareness and bureaucratic controls increase, the officer's propensity to use the weapon should decrease.

Finding. The ownership of an officer's on-duty firearm apparently has no statistical significance to the agency's JHR (t-value 0.43).

TABLE 72

RELATIONSHIP
JHR : RESPONSIBILITY FOR PURCHASE OF ON-DUTY WEAPON

	Agencies Responding	Mean JHR	t-Value	Significant?
Department purchases weapon	41	.28	0.43	no
Officer purchases weapon	11	.25		

Hypothesis (31)

The justifiable homicide rate will increase in proportion to the firearm caliber, ammunition grain weight, and piercing capability.

Various types of ammunition and handguns are used by different police departments having differing effects with regard to relative stopping power, type of injury inflicted, and hazard to bystanders.[7] Although considerable research has been done, there is no professional agreement on the "best" combination of the many variables, including caliber, powder grain weight, bullet type, and gun barrel length.[8] It has often been suggested that certain ammunition types and firearm models will result in more "stops" or deaths. We attempted to correlate these factors to the JHR.

Findings. We found a statistically significant difference in the JHR among agencies which differed in firearm and ammunition standards. The 22 agencies requiring a .38 caliber weapon and ammunition experienced a lower mean JHR (.23) than did the agencies which permitted a larger caliber. (See Table 73.)

TABLE 73

RELATIONSHIP
JHR : ON-DUTY WEAPON AND AMMUNITION

	Number	Mean JHR	Significant?
Restricted to .38 caliber	22	.23	yes
Permit .357	16	.42	yes
Permit .41, .44, or .45	10	.46	yes
Permit 9mm	9	.48	yes

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[7] An Evaluation of Police Handgun Ammunition: Summary Report. LESP-PPT-0101.01 (Washington, D.C.: LEAA/NILECJ, October 1975).

[8] Ulery, J. A., "The Hollowpoint and Law Enforcement." The Police Chief (October 1975) pp. 26, 271.

Hypothesis (32)

The type of ancillary weapons issued to officers will be related to the quantity of deadly force incidents.

Police departments issue a variety of defensive weapons which are designed to provide the police officer with a maximum of protection. This issuance, however, is not standardized nationwide because of tradition, cost, and community attitude. For instance, many agencies do not issue shotguns because certain community groups consider such a weapon as offensive rather than defensive. Secondly, this weapon has often been considered as a threat to the dignity of the community.

Findings. The issuance of police batons apparently has no relationship to the quantity of deadly force incidents. There does, however, appear to be a relationship between the JHR and the issuance of chemical agents and shotguns. Agencies that issue chemical agents have a lower (.26) JHR than do agencies which do not (.32) issue chemical agents to their officers. Although this relationship is not statistically significant, the trend is positive at a 1.36 level. The issuance of shotguns does have a significant relationship (-2.01 level) to the JHR. Agencies issuing shotguns experience a mean JHR of .31 compared to the non-issuing agencies with .19. (See Table 74.)

TABLE 74

RELATIONSHIP
JHR : OTHER WEAPONS ISSUED

		Agencies Responding	Mean JHR	t-Value	Significant?
Chemical agent	no	21	.32	1.36	no
	yes	33	.26		
Baton	no	6	.26	-0.38	no
	yes	48	.29		
Shotgun	no	11	.19	-2.01	yes
	yes	43	.31		

Hypothesis (33)

Where non-lethal weapons are available and utilized, a significant reduction of shooting deaths by police will result.

Non-lethal weapons are considered to be an asset to police officers who are required to capture criminals and deranged persons. These "weapons" are designed to permit such a capture without resorting to deadly force. It is therefore assumed that agencies which have access to such weapons will experience a lower JHR.

Findings. Contrary to the hypothesis, there is a trend, but not significant, to indicate (1.20 t-value) that agencies utilizing non-lethal weapons have a higher JHR (.31) than those not issuing (.25) such weapons.

TABLE 75

RELATIONSHIP
JHR : NON-LETHAL WEAPONS

		Agencies Responding	Mean JHR	t-Value	Significant?
Agency utilizes non-lethal weapons	no	24	.25	-1.20	no
	yes	30	.31		

Hypothesis (34)

Departments which encourage the use of a secondary or back-up weapon will experience a higher JHR.

A departmental authorization to carry a secondary or back-up weapon while on duty reflects a department attitude for officer safety. This authorization also should result in a greater number of incidents in which the officer uses deadly force because of the availability of a weapon.

Finding. The t-test regarding this hypothesis proved to be insignificant. The regression analysis (firearm discharges) showed a significant negative coefficient which means that this variable (back-up weapon) was associated with a lower number of incidents involving firearm discharges.

TABLE 76

RELATIONSHIP
JHR : SECONDARY OR BACK-UP WEAPON

		Agencies Responding	Mean JHR	t-Value	Significant?
On-duty back-up weapon permitted	no	18	.26	0.72	no
	yes	36	.29		
Weapon must be registered	no	15	.25	-0.77	no
	yes	37	.30		

Hypothesis (35)

A policy which requires carrying an off-duty weapon will result in a greater number of justifiable homicides by the police.

Hypothesis (36)

A departmental regulation controlling the registration, type, and caliber of off-duty weapons permitted will tend to reduce the incidence of use of deadly force.

Hypothesis (37)

Agencies which require officers to qualify with their off-duty weapons will experience a lower justifiable homicide rate.

Hypothesis (38)

The departments with the least restrictive off-duty employment practices will reflect a higher rate of incidents of police use of deadly force.

Previous research has indicated that off-duty officers account for a significant number of justifiable homicides by police. Our own findings support the previous works. From this point of fact, it is then hypothesized that by controlling the off-duty weapon and officer, a lower JHR should result.

Findings. We found no statistical significance regarding the mandated versus optional carrying of off-duty weapons. Likewise, regulations controlling the off-duty weapon and requiring officers to qualify with off-duty weapons do not statistically have a significant effect on the JHR.

Regarding off-duty employment, none of the individual restrictions resulted in significant results. However, there is a positive trend that has practical implication that shows agencies with restrictive off-duty employment policy have a lower JHR (.27, .25, .20, .30) than do agencies with non-restrictive policy (.32, .30, .29, .23). A test combining every restriction clearly indicates that as more restrictions are implemented the mean JHR decreases. The test showing the most trend (1.10) is when off-duty security employment is not permitted.

Using the ARIMA model, in Nashville a significant decrease in firearm discharges began after January 1979 when a new, more restrictive policy on carrying weapons off duty was introduced.

TABLE 77

JUSTIFIABLE HOMICIDE BY POLICE ON DUTY - OFF DUTY 1975-1979

	On-duty		Off-duty	
Year	Number	Percent	Number	Percent
1979	229	86.7	35	13.3
1978	204	83.6	40	16.4
1977	219	89.0	27	11.0
1976	208	92.4	17	7.6
1975	244	87.1	36	12.6
Total 5 years	1,104	87.7	155	12.3

TABLE 78

RELATIONSHIP JHR : POLICY ON CARRYING OFF-DUTY WEAPON

		Agencies Responding	Mean JHR	t-Value	Significant?
Mandatory to carry off-duty weapon	no	32	.29	0.21	no
	yes	22	.28		
Regulation off-duty weapon	no	29	.29	0.18	no
	yes	25	.28		
Must register off-duty weapon	no	15	.25	-0.77	no
	yes	37	.30		

TABLE 79

RELATIONSHIP
JHR : OFF-DUTY EMPLOYMENT

		Agencies Responding	Mean JHR	t-Value	Significant?
Off-duty work permitted	no	1	.29	n/a	n/a
	yes	53	.12		
Hours restricted	no	17	.32	0.98	no
	yes	37	.27		
Uniform permitted	no	37	.30	0.88	no
	yes	17	.25		
Firearm permitted	no	2	.29	n/a	n/a
	yes	52	.20		
Security work permitted	no	12	.23	1.10	no
	yes	42	.30		

Hypothesis (39)

Departments which mandate soft body armor use will experience fewer incidents of police use of deadly force.

Soft body armor is considered to be a life-saving garment. Officers who wear such equipment are frequently accused of taking unnecessary chances or depending too much on the body armor rather that on their other (firearm) means of self-protection.

Findings. The t-test shows no significant difference in the JHR. The regression analysis, however, shows a positive coefficient indicating that the presence of soft body armor tended to increase the number of incidents involving firearm discharges. (See Table 80.)

TABLE 80

RELATIONSHIP
JHR : SOFT BODY ARMOR

		Agencies Responding	Mean JHR	t-Value	Significant?
Agency has adopted soft body armor	no	8	.33	0.84	no
	yes	46	.27		
Soft body armor is mandatory for daily wear	no	46	.27	-0.92	no
	yes	8	.34		

Hypothesis (40)

A holster which secures and covers the weapon will discourage weapon usage and reduce the justifiable homicide rate.

The style of holster authorized by an agency will be indicative of management attitude to firearm use. The more secured and covered (flap guard and snaplock) the weapon is, the fewer the number of incidents of usage should be.

Findings. Our findings indicate no significant relationship of JHR to holster style.

TABLE 81

RELATIONSHIP
JHR : AUTHORIZED ON-DUTY HOLSTER

		Agencies Responding	Mean JHR	t-Value	Significant?
Thumb strap No trigger guard	no	29	.28	0.01	no
	yes	25	.28		
Thumb strap With trigger guard	no	38	.29	0.32	no
	yes	16	.27		
Upward draw No safety strap	no	49	.28	n/a	n/a
	yes	5	.27		
Upward draw With safety strap	no	27	.28	0.05	no
	yes	27	.28		
Flap guard With snaplock	no	42	.27	-0.64	no
	yes	12	.31		
Breakaway front	no	33	.29	0.20	no
	yes	21	.28		

SUMMARY

FACTORS ASSOCIATED WITH HIGH JHR

1. Population
2. Number of police officers
3. Homicide by civilians
4. Justifiable homicide by civilians
5. Robberies
6. Violent crime
7. A high number of officers assigned to each supervisor
8. The use of semi-automatic weapons by SWAT units
9. In-service SWAT unit training
10. The absence of policy for the management of stake-out units
11. The absence of policy for the management of decoy units
12. Patrol command response to the scene of deadly force incidents
13. Police chief response to the scene of deadly force incidents
14. District attorney response to the scene of deadly force incidents
15. In-service crisis intervention training
16. Pre-service exertion firearms training
17. In-service exertion firearms training
18. The awarding of incentives for firearms marksmanship
19. In-service officer survival training
20. On-duty weapons larger than .38 caliber
21. The issuance of shotguns to officers

V

POLICE POLICY

A RELATIONSHIP TO POLICE USE OF DEADLY FORCE

A statement often heard throughout the early stages of this research was that police agencies nationwide are operating without the benefit of firearms use policy. And, in light of such absence, unnecessary deaths result that impact disproportionately upon the minority community[1] and place an undue burden of responsibility upon the individual police officer at the level of execution. Others have argued that the police executive is without authority to issue policy in such important and sensitive matters that should only be controlled by law.[2] Others hold the position that the street officer must be alone in his decision of when to shoot and when not to shoot, for only he faces the consequences of his decision.[3] There are also many who contend that because the public expects police to take certain risks, that same public will never develop laws which will take use of deadly force discretion away from the police.

As we have detailed elsewhere in this report, our state legislatures have not come to grips in developing a "model" nationwide law. We are now familiar with the Model Penal Code recommended by the American Law Institute. We are also aware that only seven states have adopted this model. Other states rely on a "Common Law" philosophy, a "Modified Common Law" guide, and others depend on the courts to set the standard. This is only a beginning of examples of the prolificacy of "national" standards of deadly force policy. Historically, we shall cite a few of the most significant remaining guides or model standards offered over the years by well-meaning persons or organizations.

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[1] Hubert Williams, A Community Concern: Police Use of Deadly Force (Washington, D.C.: U.S. Department of Justice, LEAA, NILECJ, 1979).

[2] Colin Greenwood, Police Tactics in Armed Operations (Colorado: Paladin Press, 1979), p.15.

[3] Dan Hollingsworth, The Living Textbook, Vol. 105 (Oklahoma City, 1980).

> "If you're not going to be out there and stand up and be counted alongside me when somebody is going to die and the question is 'will it be me?', then don't try to tell me anything about it."

Federal Bureau of Investigation - Policy

Probably the single most espoused cure-all for controlling police use of deadly force has been simply to adopt the first part of the Federal Bureau of Investigation "policy" on shooting.[4]

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[4] Lawrence W. Sherman, "Execution Without Trial: Police Homicide and the Constitution," Vanderbilt Law Review, Vol. 33, No. 1 (Jan. 1980) p. 97.

NOTES: Regarding FBI Policy:

*A memorandum from FBI Director J. Edgar Hoover to Attorney General Nicholas DeB. Katzenbach (April 14, 1966):

> "...with respect to the use of firearms in connection with official duties is relatively simple and certainly comes within the moral, ethical and legal framework governing the use of force by a law enforcement officer in performance of duty. We teach our personnel, and the same policy is advocated at firearms schools by our firearm experts, that a law enforcement officer should use only that degree of force necessary to overcome resistance to a legal duty he must perform. In other words, an officer should use his firearm only for self-defense of another..."

*FBI Memorandum 31-72 (Nov. 21, 1972) quoted in: Mattis v. Schnarr, 547 F.2d 1007, 1015 (8th Cir. 1976):

> "An agent is not to shoot any person except, when necessary, in self-defense, that is, when he reasonably believes that he or another is in danger of death or grievous bodily harm."

*William H. Webster, Director FBI Criminal Justice, National League of Cities (Sept. 1980)

> "In training we instruct all our special agents that the use of deadly force is permitted only when the agent or an innocent party is threatened with death or grievous bodily harm."

*An unsigned letter from the FBI to Ronald L. Gainer, Acting Deputy Assistant Attorney General, U.S. Department of Justice (November 23, 1979).

> "In response to your inquiry requesting our policy regarding the use of deadly force, the FBI's longstanding policy regarding the use of firearms and/or force directs that:
>
> 1) Special Agents will use firearms only in defense of themselves or other persons wherein it reasonably appears that they are in danger of death or grievous bodily harm.
> 2) Special Agents will use force as necessary to effectively and expeditiously make an arrest but no force in excess of that which is actually required.
> 3) Special Agents may draw a firearm to the ready when making an arrest if it appears reasonable or likely under the specific circumstances that they might be confronted with existing deadly force.
> 4) Special Agents may not fire a warning shot to stop a fleeing person or for any other purpose."

We shall respond to this cure-all solution by looking at the difference in job responsibilities of the FBI and municipal law enforcement agencies. The FBI is an investigative body that routinely responds to crime "after the fact:" whereas municipal police normally respond to many violent crimes in progress. Thus, the threat level of the agents versus municipal police officers is considerably different. Table 82 is used here as an illustration of danger to municipal law enforcement officers. As Margarita[5] found in New York City, police are more likely to be killed by a rational robber fleeing the scene of a crime, who routinely uses lethal weapons. FBI agents are indeed not police, but investigators. Agents are forewarned about situations or persons they intend to arrest. They usually know a great deal about their suspect, whether he is prone to be armed, whether he should be considered dangerous or prone to shoot it out. Agents generally have time to prepare for their arrests. We conclude that the solution to deadly force policy in municipal law enforcement is considerably more complex than simply "adopting the FBI policy."

TABLE 82

SITUATIONS IN WHICH LAW ENFORCEMENT
OFFICERS WERE KILLED*
1970-1979

Number	Percent	Cause
244	21.3	Attempting "other" arrests
208	18.2	Robberies in progress
181	15.8	Responding to disturbance calls
144	12.6	Traffic pursuits and stops
92	8.0	Investigating suspicious persons/circumstances
73	6.4	Burglaries in progress
62	5.4	Ambush entrapment
52	4.5	Handling, transporting prisoners
50	4.4	Unprovoked ambush
32	2.8	Handling mentally deranged persons
5	0.4	Civil disorders

*FBI, Crime in the United States 1979 (Washington, D.C.: U.S. Department of Justice, 1980), p.310.

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[5] Mona Margarita, "Killing the Police: Myths and Motives," 452 Annals of American Academy of Political and Social Science, 63 (November 1980).

International Association of Chiefs of Police - Policy

In 1940, the IACP issued the following guidelines for police policy on use of deadly force:

> The use of firearms must of necessity be restricted in our cities; otherwise, there will be fatal shootings. The fact that a suspected person is running away from the police and fails to halt when called upon to do so does not justify the police officer in shooting him. There must be some reliable evidence that the fleeing person is guilty of some very serious crime before a police officer is justified in firing at him. Far better to let him escape for the time being than to run the risk of killing him or, worse still, killing some innocent person.[6]

Since the late 1960's, the IACP has recommended the following "Discharge of Firearms" General Order:[7]

> Members shall exhaust every other means of apprehension before resorting to the use of firearms.
>
> Firearms may be discharged in the performance of a police duty only under the following circumstances:
>
> 1. At an approved range.
> 2. When killing seriously wounded or dangerous animals where other disposition is impractical.
> 3. When necessary in the defense of their own lives when all other available means have failed.
> 4. When necessary in the defense of another person's life when all other available means have failed.
> 5. When necessary to effect the capture of, or prevent the escape or rescue of, a person whom the member has reasonable cause to believe has committed a felony, except for felony violations of the Motor Vehicle Code, when all other available means have failed.
>
> Firearms shall not be discharged under the following circumstances:

---

[6] International Association of Chiefs of Police, The Police Yearbook (Washington, D.C.: IACP, 1940).

[7] International Association of Chiefs of Police, Recommended General Order Discharge of Firearms (Washington, D.C.: IACP, 1966).

1. As a warning.

2. At moving or fleeing vehicles involved in violation of the Motor Vehicle Code (including felony violations) unless necessary in the defense of the member's life when all other reasonable means have failed.

3. In all misdemeanor cases.

In 1980, the members of the International Association of Chiefs of Police voted to adopt the following standard for police use of deadly force:[8]

> WHEREAS, it is the sworn duty of police and other law enforcement agencies to uphold the constitution of their respective countries, and to protect the life, safety and general welfare of the public; and
>
> WHEREAS, the members of the IACP hold that human life is precious, and
>
> WHEREAS, the membership is vitally concerned that all police protect the citizens of their jurisdiction from injury or death, now therefore be it
>
> RESOLVED that it is the position of the IACP that law enforcement officers shall not use unnecessary physical or deadly force in any circumstances; and be it further
>
> RESOLVED that the IACP membership recommends to the several state legislatures, the U.S. Congress and governing bodies of the 62 free member countries of the world that they provide funds to continue training officers in the proper use of physical and deadly force, and recommend that police administrators develop rules and regulations, consistent with their jurisdictional law, to protect all citizens from any unnecessary use of physical or deadly force; and be it further
>
> RESOLVED that police departments record, investigate and take appropriate action to insure that these guidelines are carried out; and be it further
> ...

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[8] International Association of Chiefs of Police, Official Resolution adopted by the membership pursuant to Article VII, Section 4 of the IACP Constitution. (St. Louis, Missouri, September 1980).

American Law Institute

In 1962, the American Law Institute proposed a "Model Penal Code"[9] that included the following section on policy for use of deadly force in law enforcement:

> The use of deadly force is not justifiable under this section unless:
>
> (1) The arrest is for a felony; and
>
> (2) The person effecting the arrest is authorized to act as a peace officer or is assisting a person whom he believes to be authorized to act as a peace officer; and
>
> (3) The actor believes that the force employed creates no substantial risk of injury to innocent persons; and
>
> (4) The actor believes that: the crime for which the arrest is made involved conduct including the use or threatened use of deadly force; or there is a substantial risk that the person to be arrested will cause death or serious bodily harm if his apprehension is delayed...

The President's Commission

In 1967, a report by The President's Commission on Law Enforcement and Administration of Justice[10] recommended that police agencies adopt the following use of deadly force guidelines:

> 1. Deadly force should be restricted to the apprehension of perpetrators who, in the course of their crime, threatened the use of deadly force, or if the officer believes there is a substantial risk that the person whose arrest is sought will cause death or serious bodily harm if his apprehension is delayed. The use of firearms should be flatly prohibited in the apprehension of misdemeanants, since the value of human life far outweighs the gravity of a misdemeanor.
>
> 2. Deadly force should never be used on mere suspicion that a crime, no matter how serious, was committed or that the person being pursued committed the crime. An officer should either have witnessed the crime or should have sufficient information to know, as a virtual certainty, that the suspect

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[9] The American Law Institute, Model Penal Code, Proposed Official Draft, § 3.07 (1962).

[10] The President's Commission on Law Enforcement and Administration of Justice, Task Force Report: The Police, (Washington, D.C.: U.S. Government Printing Office, 1967), p. 189.

committed an offense for which the use of deadly force is permissible.

3. Officers should not be permitted to fire at felony suspects when lesser force could be used; when the officer believes that the suspect can be apprehended reasonably soon thereafter without the use of deadly force; or when there is any substantial danger to innocent bystanders. Although the requirement of using lesser force, when possible, is a legal rule, the other limitations are based on sound public policy. To risk the life of innocent persons for the purpose of apprehending a felon cannot be justified.

4. Officers should never use warning shots for any purpose. Warning shots endanger the lives of bystanders, and in addition, may prompt a suspect to return the fire. Further, officers should never fire from a moving vehicle.

5. Officers should be allowed to use any necessary force, including deadly force, to protect themselves or other persons from death or serious injury. In such cases, it is immaterial whether the attacker has committed a serious felony, a misdemeanor, or any crime at all.

6. In order to enforce firearms use policies, department regulations should require a detailed written report on all discharges of firearms. All cases should be thoroughly investigated to determine whether the use of firearms was justified under the circumstances.

Institute of Government Affairs

In 1968, the University of Wisconsin Institute of Government Affairs published a model deadly force policy,[11] the basis of which is presented below:

> Deadly force can be used only as a last resort and then only:
>
> (a) When an officer reasonably believes that he or others are threatened by death or great bodily harm; or
>
> (b) To make a legal arrest for a felony which normally causes or threatens death or serious bodily harm to the officer or others, or which involves the breaking and entering of a building, and the officer reasonably believes that the

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[11] Fred A. Wileman, Model Policy Manual for Police Agencies (Institute of Government Affairs, University of Wisconsin, 1968), Sec. 800.

> arrest cannot be made, or custody otherwise retained or regained....
>
> An officer may use deadly force in self-defense only as a last resort and only if he reasonably believes that such force is necessary to prevent death or great bodily harm.
>
> An officer is privileged to defend a third person from real or apparent unlawful interference by another under the same conditions and by the same means applicable to the privilege of self-defense....

American Bar Association

In 1972, the American Bar Association published its recommended standard for police use of deadly force[12] as follows:

> ...In order to maximize the use of the special authority and ability of the police, it is appropriate for government, in developing objectives and priorities for police services, to give emphasis to those social and behavioral problems which may require the use of force or the use of special investigative abilities which the police possess. Given the awesome authority of the police to use force and the priority that must be given to preserving life, however, government should firmly establish the principle that the police should be restricted to using the minimum amount of force necessary in responding to any situation.

National Organization of Black Law Enforcement Executives

In 1979, NOBLE adopted the following use of deadly force policy:

> Whereas, legitimate circumstances exist in which police officers must use their weapons, and
>
> Whereas, it is the sworn duty of police and other law enforcement agencies to uphold the United States Constitution and to protect the lives and general welfare of the public, and
>
> Whereas, many police departments do not have clear-cut policies on the use of firearms and thus fail to provide adequate direction to officers in life-and-death situations, and

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[12] American Bar Association, Standards Relating to the Urban Police Function (New York: American Bar Association, 1972), Standard 2.4, p.74.

> Whereas, the absence of these guidelines is unfair to communities, individual police officers, and their agencies, now therefore be it
>
> Resolved, by the National Organization of Black Law Enforcement Executives, that police departments and other law enforcement agencies formulate strict policy guidelines governing the use of firearms, and be it
>
> Further Resolved, that these policy guidelines be based on the principle that officers may not draw or discharge their weapons except to protect their lives or the lives of innocent citizens from imminent danger, and be it
>
> Further Resolved, that police departments design and enforce strong sanctions against officers who unwarrantedly discharge their firearms...[13]

United Nations

The United Nations in 1979 released their Code of Conduct[14] which is intended to guide all law enforcement officers in the use of force:

> Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.

American Civil Liberties Union

In 1979, the ACLU recommended the following deadly force policy:

> Every member shall in all cases use only the minimum amount of force necessary to accomplish the mission, and shall exhaust every other reasonable means of defense or apprehension before resorting to the use of firearms.
>
> No member shall discharge a firearm in the performance of police duties except when a clear and present danger of death exists to himself or another person and only then as a last resort.
>
> Violation of the deadly force policy may subject the officer to administrative discipline, suits for damages and criminal prosecution.[15]

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[13] National Organization of Black Law Enforcement Executives, Official Resolution (Newark, New Jersey, September 16, 1979).

[14] General Assembly of the United Nations, Article 3, Code of Conduct for Law Enforcement Officials (New York: United Nations, 1979).

[15] Symposium on Contemporary Issues in Police-Community Relations, Criminal Justice Institute: Broward Community College (1979).

As illustrated, the issue of "use of deadly force" policy has not lacked, historically, for guidance and opinion from many fronts. All attempts to standardize use of deadly force policy has undoubtedly been with honorable and forthright intentions. This present research will, of course, also fall prey to being opinionated on this crucial subject. Also, like the others, we will be critiqued. Ability permitting, we have attempted to base our recommended guidelines on comprehensive research which produced a foundation of facts; this foundation was immersed in an avalanche of previous research projects and literature.

Recommended Policy Guidelines

The remainder of this report is devoted to the development of "model" policy and procedural guidelines.

Police policy has been and will continue to be drafted by police chief executives throughout the country. The simplicity of a completed policy is in no way comparable to the complex drudgery of the development process. As our model is drawn from many months of tedious research, multi-faceted analysis, and final decision-making, so too a police chief's policy development process is not easy. Even though we will offer a "model," the adoption of the model or any modification of such will involve a complex mechanism. The policy developer is not simply the chief, but a culmination of multiple inputs. Those inputs include:

- The police chief
- The chief's peers
- The department command staff
- The police officers
- The local executive body
- The local legislative body
- The local, state, and federal laws
- The civil courts
- Interest groups
- The community's political environment
- The disciplinary system
- Training
- The news media
- Research guidelines

The Police Chief. The police chief will be influenced by all of the above in his pursuit of policy. But let us first discuss the police executive independent of these external influences. The police chief will have personal feelings that will affect his decision-making process. His personal experiences (possibly as a younger police officer), his education, his own moral standards, his religious beliefs, and his cultural and ethnic background will play on his mental faculties even before the remaining influences come into play.

The Police Chief's Peers. A police chief is surrounded by peer chiefs, local, state and national police chief organizations. The opinions and particularly the experiences of these peers will influence his decision on policy. He will necessarily consider what his peers have adopted as policy. The chief will concern himself with the issues of whether or not his policy will bring disrespect from his peers; will the new policy cause consternation for the others in terms of pressure being brought to bear to defend or change what they have for policy.

The Command Staff. The policymaker must be concerned about what level of policy his command staff will support. Their influence during the development stage will be reflected in the final draft. Possibly more significant will be their attitude in delivery of the policy to their subordinates and their formal method of applying disciplinary sanctions regarding enforcement of the policy.

The Police Officers. Each police officer will have an opinion about a new use of deadly force policy. His opinion will have been influenced by his own value system, training, education, religious beliefs, fears, perceptions, and by his own capabilities. His television viewing habits and reading selections will have an effect on his perceptions of danger. An even more critical effect will be developed from constant messages from a nationwide computer system which dramatically details the circumstances of every murder of a police officer. These messages are read and posted in many police squad rooms throughout the country. These murders are discussed among the officers and peer influences will play a part in how each officer sees the new policy.

The Executive Branch. The mayor and/or city manager will, of necessity, play a major role in the decision to adopt a particular deadly force policy. Like the police chief, the command officers, and the police officers, they will allow personal feelings to affect their input into the development and adoption of policy. But beyond this, they will be substantially influenced by community pressure groups, their peers, and the legislative body. Their community strength will determine the level of influence they have to direct, suggest, or simply approve a deadly force policy.

The Legislative Branch. The city council, as a unit, will understandably be interested in the makeup of a new deadly force policy. Their individualism, however, will probably be of more significant value as a source of influence to the police chief. They should, of course, represent their constituents' valid needs, community crime and fear of crime. The threat of legal ramifications for the city and themselves will be a factor. Their interaction with the police chief and individual officers will undoubtedly play a part in their opinion. And, finally, their legal and real control to replace the chief may influence his desire to consider their individual and collective influence.

The Law. The police chief must consider local, state, and federal law regarding the issue of deadly force. The state law must, of course, be upheld in policy. But, in most cases, the hard decision will be how much more restrictive should the local policy be compared to state law.[16] An easier solution is merely to adopt verbatim the state law. Beyond legislative law, state and local courts may have themselves interpreted the law to the extent of negating the written code.

The Civil Courts. Beyond the legal sanctions of written code and criminal court, the chief must consider the ramifications of civil suits against himself, the city, and individual officers. Civil rights attorneys and judges can scrutinize a deadly force incident and find neglect in policy formation, policy implementation, and procedural training. Judges will, in effect, make policy by deciding on whether procedures are consistent with their understanding of due process and the protection of individual rights.

Interest Groups. Many interest groups attempt to influence the police chief regarding policy. They can be self-serving in their pressures on city officials, the courts, the media, and, ultimately, the chief. Interest groups may serve to complicate this serious issue with factual distortion, insufficient facts, and misunderstanding of all possible ramifications. Each class and race may have a different view of the issues associated with a deadly force policy.

The Discipline Process. The process of administering and the quantity of discipline may be as important as the actual written policy. A lengthy, cumbersome process of departmental review may in itself be a significant deterrent to use of deadly force. The opposite strong written policy and weak administrative sanctions may thwart the executive's intention of policy. The staffing of investigative units and review bodies will play a major role in the final analysis.

The Political Environment. The very nature of politics may play a part in the chief's decision-making process. A politician in a heated local election may grasp upon the deadly force issue and ride such an issue in or out of office. A Philadelphia councilman recently ripped up a copy of a new deadly force policy on the floor of the council, saying that it "stinks." Acts such as these will always reach the chief.

Training. As we have seen in many agencies, the training directors influence policy and, in fact, may make "policy" by virtue of their teachings. As we have shown elsewhere in this publication, the training academies may or may not mimic the actual written departmental policy. The emphasis placed on the various firearms training components (legal, moral, policy, shooting) will determine to a great degree the real agency policy.

The News Media. The news media plays a major role in the development of police policy. This media has often been described as the "fourth branch of government," a position beyond their rightful place in society. Where news media opinion actually represents the hue and cry of the citizens, the media influence is desired by the chief. On the other hand, when media opinion is personal and representative of only a single individual's attitudes, its influence is beyond reason and should not be any more important than that of any other single individual. The power of a single pen in the hands of an unscrupulous media representative can wreak havoc on an otherwise proper deadly force policy.

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[16] See: Dillenbeck v. City of Los Angeles, 72 Cal.Rptr. 321, 446 P.2d 129 (1969).
City of St. Petersburg v. Reed, 330 So.2d 256 (Dist. Ct. App. 1976).

Research Guidelines. A police chief will be influenced by the voluminous research material that is available to him in his pursuit of the model police use of deadly force policy. Our files are bulging with literature from earlier research. It has been a major problem to digest such background information. The police chief must be selective in his research. We hope that our efforts will not fall on deaf ears, but rather be incorporated into the development of local deadly force policy.

Policy Content Analysis

This research project included a comprehensive content analysis of deadly force policy.[17] Statements of policy, procedure, tactics, training bulletins, and training curricula were solicited from 57 municipal police agencies throughout the country. These agencies represent municipal police agencies which serve a jurisdiction of at least 250,000 population. Fifty-four agencies responded to our request for policy.

A more cursory study was made of the nation's state police and state patrol organizations and all federal law enforcement organizations.[18] While these agencies did not respond with nearly the same high percentage as did the municipal police, nevertheless, their input was of value.

After several drafts, trial, and error, we developed a Policy Content Analysis Form. As with all content analysis documents, the personality, interest, knowledge, and experience of the analyst is ingrained within the final construction of the form. The form is presented in Appendix M. The inferences drawn from the analysis are likewise somewhat a reflection of the researcher. The ultimate references will be made by you, the reader. The most appropriate course of proof of content analysis is validation through replication with the same form. Even though our analysis will undoubtedly answer some questions, it will also pose many new ones. As one authority has indicated, "the beginning and end of a content analysis mark but an arbitrary segment in time."[19]

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[17] Appendix N includes comparative data of use of deadly force policy content from the municipal police agencies. Policy in this context includes general orders, policy, procedures, tactical announcements, and training bulletins.

[18] Federal Law Enforcement Policy - Only four federal agencies responded to our survey request for use of deadly force policy. For the most part, federal policy and procedure was unrelated to the municipal police function. The policy is more general in its treatment of the issues than is municipal policy.

State Law Enforcement Policy - Thirty-eight (77.6 percent) of the nation's 49 state law enforcement organizations (state police or state highway patrol) responded to our survey of deadly force policy. Hawaii does not have a state law enforcement agency. Unlike the municipal police organizations, state agencies appear less inclined to promulgate use of deadly force policy. Thirty-two (82.1 percent) state agencies have written departmental policy and 6 (15.4 percent) do not. The six without departmental written policy are stated to be guided explicitly by the state statutes on the use of force.

[19] Klas Krippendorff, Content Analysis, An Introduction to Its Methodology, Vol. 5, The Sage Commtext Series (Beverly Hills, California: Sage, 1980), p. 169.

Municipal Police Policy

There is clearly a consciousness among our municipal police executives that written policy governing police use of deadly force is necessary for the control of police departments. This necessity is demonstrated by the existence of written policy in 53 of the 54 (98.1 percent) agencies which responded to our project. The three remaining agencies chose not to respond to our request for policy and therefore it is unknown whether or not those agencies are governed by a deadly force policy.

Our goal was, of course, to receive 100 percent cooperation. To this end, we wrote follow-up letters and made numerous telephone calls to prompt agencies to respond. While the great majority responded promptly and completely, a few did not. For example, one agency responded as follows:

> In response to your telephone request...concerning the...Police Department's firearms policy, our response to the IACP Firearms Survey was reviewed and it was determined the materials provided adequately answered all of the survey questions. These materials do portray an accurate report of our Department's shooting policy and can be characterized, for the purpose of your survey, as being comprehensive. Therefore, we will be unable to forward any additional materials on this subject to you.

While this was not a typical response, it does indicate a possibility that in some cases stated policy is somewhat different from actual written policy. This difference can also be seen through a meticulous comparison of the policy content with the responses to the IACP Deadly Force Survey. Although the survey was designed with control questions and policy was requested to support all answers, many survey responses were accepted at face value.

As shown in Table 83, 11 agencies promulgated deadly force policy in 1980. In all 11 cases, it was evident that the policy was being updated rather than created for the first time. The high rate of current update may have been prompted by receipt of our deadly force survey instrument. Likewise, recent news media attention and court decisions may also have been factors. It is known, however, that most agencies routinely update critical policies. Regardless of the reason for updating, there does not appear to be a clear trend toward a certain level of permissive use of deadly force among the new policies.

Five of the agencies with new policy permit use of deadly force against felons who present a "substantial risk" (Model Penal Code), four agencies permit deadly force to prevent a "dangerous" or atrocious felon (Modified Common Law), and one agency still follows the Common Law "any felon" rule. One agency did not clearly state its shoot-don't shoot rule.

Contrary to what would be expected, the most dated policy (Tucson) is also one of the most restrictive and most comprehensive.

TABLE 83

USE OF DEADLY FORCE POLICY
DATE OF POLICY ISSUANCE
MUNICIPAL POLICE AGENCIES

N=53

Year Issued	No. Agencies	Percent of Total
1973	1	1.9
1974	2	3.8
1975	4	7.5
1976	2	3.8
1977	8	15.1
1978	7	13.2
1979	10	18.9
1980	11	20.8
Not Dated	8	15.1

Comprehensiveness of Policy

For purposes of our content analysis, we subdivided policy into five component parts:

- When to shoot
- Investigative procedure following a shooting
- The shooting review process
- Firearm equipment standards (on-duty, off-duty, back-up)
- Firearm training standards

Agency policy was considered comprehensive only when it thoroughly responded to each of these components. Only three agencies (Baltimore, Indianapolis, and Tucson) are considered, by this definition, to have comprehensive policy. Our definition of comprehensive does not include a judgment of the quality of the components, but simply that the issues were addressed in policy.

TABLE 84

MAJOR COMPONENTS OF DEADLY FORCE POLICY

	Number	Percent
When to Shoot Directive	52	98.1
Investigative Procedure	32	60.4
Board of Review Procedure	19	35.8
Firearms Equipment Directive	21	39.6
Firearms Training Directive	11	20.8

Police Policy or State Law

Members of the public are victims of violent crime including the crime of final resort--murder. Society chooses not to wage open warfare to control such violence. Rather, society places the responsibility for control on a few--the police. Society further chooses to provide these officers with the ultimate personal and public protection--a firearm. As long as we live in this "free" society, it will be necessary for police officers to be armed. Since society has given law enforcement officers the authority to carry firearms, society must also retain the right to control the use of such firearms. The available control options are state and local law and administrative policy. We have earlier seen (Chapter II, Legal Issues) that our state legislatures have taken varied routes to the control of police firearms. These laws may or may not satisfy the public's desires for the control of firearms.

A police administrator is commissioned to establish departmental goals that will reflect the needs of the community. In establishing such goals, it is indeed proper to set a level of operational standard that reaches for the highest plateau that the community will accept. This is unlike the legislative law which seeks merely to satisfy the majority. There is no debate concerning the desire by all to protect human life, this includes the suspected felon.

Previous research[20] has indicated that a more restrictive administrative posture and policy on the use of deadly force can reduce the number of police shooting incidents without any attendant increase in crime or injury to police officers, or a decline in police arrest activity. Other comments[21] indicate that no amount of scholarly discussion of available evidence will likely change the attitudes and opinions of those in favor of or against a more restrictive use of force policy. Our research has not conclusively replicated the above finding, nor has it disproved the finding. Tables 85 and 86 summarize the differences in justifiable homicide rates (JHR) between agencies with restrictive deadly force policy and those agencies with less restrictive policy. The differences in this analysis are not statistically significant.

However, with evidence from other research and the total findings of this report there is sufficient evidence to indicate that lives can possibly be spared if certain administrative guidelines are clearly developed, presented, understood and enforced by law enforcement agencies. The debate concerning who should be responsible for establishing a police use of deadly force standard will undoubtedly continue long after this publication has found its way to the dusty section of the bookshelves. We continue to urge every state to legislate use of force standards. But, we also urge the police chiefs of every community to immediately establish departmental standards of police use of deadly force. This policy should reflect society's rightful control of the police officers' firearms. The policy should also reflect a critical balance of selfprotection for the officer, the value of all human life, the right of every citizen to be safe in his person and property, and the constitutional guarantees of proof of guilt by a court of competent jurisdiction before application of penalty.

Findings/State Law. Only 10 agencies detailed the state law in their policy statement. Of the 10, four had policy that was clearly more restrictive.

Findings/When to Use Deadly Force. All but one responding agency had policy that indicated when the officers were permitted to shoot. This direction was not, however, always clearly defined. To the contrary, many of the specific directives were camouflaged in superflous verbiage. Many require extensive searching through bulletins, memoranda, procedure guides, and law. A clear, concise format of direction was the exception rather than the rule. This finding, supported by other research on policy,[22] leads to a wide range of discretion on the part of our nation's police officers.

Recommended Guideline

> *Every police chief should promulgate a Police Use of Deadly Force policy that provides clear guidelines for (1) when to shoot, (2) the investigative procedure following a shooting, (3) a Board of Review, (4) firearm equipment requirements, and (5) firearms training.*

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[20] James Fyfe, Shots Fired: An Examination of New York City Police Firearms Discharges, (Ann Arbor, Mich.: University Microfilms International (1978), p.272.

Lawrence W. Sherman, "Perspectives on Police and Violence," 452 Annals of American Academy of Political and Social Science, 63 (November 1980).

Lawrence W. Sherman, Reducing Police Gun Use: Critical Events, Administrative Policy and Organizational Change (unpublished draft) October 1980.

[21] James Q. Wilson, "Police Use of Deadly Force," FBI Law Enforcement Bulletin (Aug. 1980).

[22] Ralph Baker and Fred A. Waller, (eds.) Determinants of Law Enforcement Policies, Lexington, Massachusetts (1979), p.89.

Definition of Deadly Force

Deadly force can be inflicted in many ways. The police have been recorded as using revolvers, shotguns, rifles, batons, flashlights, fists and feet. Regardless of the factual validity of the charges, the potential to apply deadly force in these manners is present. Every police administrator should design policy that addresses all of these forms of deadly force.

Recommended Guideline

> *"Deadly Force" as used in this policy is defined as that force which is intended to cause death or grave injury or which creates some specified degree of risk that a reasonable and prudent person would consider likely to cause death or grave injury.*

Legal Disclaimer

We have shown that it is fitting for a police administrator to establish departmental goals and promulgate policy in order to restrict his officers to standards beyond reach of the legal standard. Standards required by the department as transmitted through policy should not be deemed applicable for introduction in any criminal or civil proceeding lest the policy succumb to the lower legislative standard. Departmental policy serves also to establish the highest level of training to guide officers in anticipation of critical situations. When after the fact those situations have gone astray, the officers should be subjected to additional or different training or negative departmental sanctions (also a form of training). Likewise, the department should be made to rethink policy and training in an effort to again anticipate new situations.

Many attorneys contravene this argument and make every attempt to introduce administrative standards as legal charges against officers in criminal or civil actions. However wrong we consider this affront of managerial prerogative, the threat remains real. We have seen court decisions[23] which permitted department policy to be introduced as legal evidence. We have also seen other courts[24] which had the wisdom to recognize the danger of substituting administrative policy for legal standards. The legal minds have not resolved, nor do we anticipate that they will resolve, this difference to a single standard.

Every administrator must recognize this threat, prepare for the defense, and accept the responsibility to state deadly force policy in clear and unequivocal language. The administrator must not be constrained to drafting weak policy and training simply to avoid the possibility of prejudice in court. Where a trial judge permits the department policy to be introduced, the jury should at least be made aware of the injustice through the introduction of the following statement. This statement should preface any use of deadly force policy.

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[23] Dillenbeck v. City of Los Angeles, 72 Cal. Rptr. 321, 446 P.2d 129 (1969).
Grudt v. City of Los Angeles, 2 Cal.3d 375, 86 Cal. Rptr. 465, 468 P.2d 825 (1970).

[24] City of St. Petersburg v. Reed, 330 So.2d 256 (Dist. Ct. App. 1976).
Chastain v. Civil Service Board of Orlando, 327 So.2d 230 (Dist. Ct. App. 1976).

Recommended Guideline

> *This directive is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.*

Value of Human Life

Any deadly force policy must consider the moral responsibility for protecting human life, the desire of the people to be secure in their person and property, and the constitutional right of trial and due process. Society must be reluctant to license death by police officers. But society also has an obligation to permit its police officers the privilege of self-protection. Secondly, society must weigh the consequences of allowing criminals the freedom to carry out their crimes in an atmosphere of relative safety. The police are subservient to the public, and therefore must not themselves be placed in a position of choosing between the alternatives of criminal freedom versus use of deadly force. The only decision that is the sole prerogative of the individual officer is that of self-protection. All other balancing of justice should remain with the total community. The level of law enforcement success also remains a community decision. In this regard, the police are relegated to a status of "advisors," not lawmakers.

Findings. Twenty-four (45.3 percent) municipal agencies preface their deadly force policy with some type of philosophical, constitutional, human rights preamble. This preamble is usually in the form of an introductory paragraph that highlights the value of human life and individual rights as guaranteed by the Constitution.

Recommended Guideline

> *The value of human life is immeasurable in our society. Police officers have been delegated the awesome responsibility to protect life and property and apprehend criminal offenders. The apprehension of criminal offenders and protection must at all times be subservient to the protection of life. The officer's responsibility for protecting life must include his own.*

Defense of Life

In Chapter II, we have treated the legal issues that impact upon police use of deadly force. The four major standards--common law, modified common law, rules determined by courts, and the model penal code--were surrounded by numerous "model" policies, resolutions, and guidelines. Without exception, each of the policy models includes a police self-protection clause and a defense-of-the-third-party life clause. Clearly, an officer must have an honest, sincere, and personal belief that his life or the life of another is in immediate danger. Where he has such a belief, it is unconscionable to expose his own life or another innocent person's by not permitting use of deadly force against the suspected criminal assailant. The minimum standard for defending the self-defense position should be the reasonableness which is expected of a well-trained, prudent police officer. His resort to deadly force to protect another should be guided by the same standard as is permitted for his self-protection. The judgment of reasonableness should be by other police officers with similar distilled experience, education, and training who can be objective and intelligent while recognizing the complete scenario. Justification for the use of deadly force must be limited to the facts known to the officer or perceived by the officer at the time he decides to shoot. Facts unknown to the officer must not be considered in later determining justification of the shooting.

In assuming the responsibility for self-defense, the officer should not be required to unreasonably place himself in situations where deadly force is presumed imminent. Likewise, an officer should not be censured or disciplined if he chooses not to employ deadly force in situations where others may, after the fact, reason that the situation clearly authorized the use of such force.

Findings. Fifty-one of the 53 responding agencies had policy which clearly permitted officers to use deadly force to defend their life or the life of a third party. The two exceptions did not actually address the issue. The vagueness of the policy statement did not provide direction or guidance on this critical issue of when to shoot.

Recommended Guideline

An officer may use deadly force to protect himself or others from what he reasonably believes to be an immediate threat of death or (near death) critical bodily harm.

Misdemeanants

The entire issue of using deadly force against a misdemeanant versus a felon seems to have been caught up in a dated controversy. The original definition of the terms misdemeanor and felony has long been lost in time. Many crimes have been added to the felony category that present no immediate threat of danger to the police officer (e.g., conspiracy to defraud, embezzlement). Conversely, statistics indicate that when police officers are killed, more than 30 percent of the encounters begin with a misdemeanor crime or lesser confrontation.[25] Endless debate over the category of offense detracts from the essential question

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[25] Arthur L. Kobler, "Figures (and Perhaps Some Facts) on Police Killings of Civilians in the United States," Journal of Social Issues, Vol.31, No.1 (1975), p.188.

TABLE 85

USE OF DEADLY FORCE POLICY TO MAKE ARRESTS

	Permit Use of Deadly Force			Do Not Permit Deadly Force			Policy Does Not Address Issue		
	Number	Percent	JHR	Number	Percent	JHR	Number	Percent	JHR
Self-defense	51	96.2	.28	0	0	0	2	3.7	.26
Defense of third party	51	96.2	.28	0	0	0	2	3.7	.26
Arrest misdemeanant	0	0	0	50	94.3	.28	3	5.6	.27
Arrest felon threatening deadly force	45	84.9	.28	5	9.4	.31	3	5.7	.27
Arrest felon who used deadly force	43	81.1	.28	7	13.2	.30	3	5.7	.27
Arrest felon presenting risk	48	90.6	.31	2	3.8	.16	3	5.7	.27
Arrest atrocious felon	22	41.5	.26	28	52.8	.30	3	5.7	.27
Arrest juvenile	49	92.5	.28	1	1.9	.67	3	5.7	.27
Arrest any felon	4	7.5	.37	46	86.8	.29	3	5.7	.27

TABLE 86

USE OF DEADLY FORCE POLICY
TO RECAPTURE ESCAPEE

	Permit Use of Deadly Force			Do Not Permit Deadly Force			Policy Does Not Address Issue		
	Number	Percent	JHR	Number	Percent	JHR	Number	Percent	JHR
Self-defense	52	98.1	.28	0	0	0	1	1.9	.24
Defense of third party	52	98.1	.28	0	0	0	1	1.9	.24
Recapture misdemeanant	2	3.8	.18	47	88.7	.29	4	7.5	.22
Recapture felon threatening deadly force	41	77.4	.29	8	15.1	.27	4	7.5	.24
Recapture felon who used deadly force	38	71.7	.28	11	20.8	.26	4	7.5	.24
Recapture felon presenting risk	44	83.0	.30	5	9.4	.19	4	7.5	.24
Recapture atrocious felon	22	41.5	.27	27	51.0	.31	4	7.5	.24
Recapture juvenile	48	90.6	.28	1	1.9	.67	4	7.5	.24
Recapture any felon	9	17.0	.29	40	75.5	.29	4	7.5	.24

of whether the offender's conduct posed a substantial threat or risk to the officer, another individual or society to the extent that his apprehension could not have been delayed.

Findings/Misdemeanants. None of the 53 reporting agencies permits its officers to use their weapons to prevent a misdemeanor crime. One agency's policy did not include direction relative to misdemeanors.

In the case of a misdemeanant escaping from custody, two agencies (3.8 percent) permit use of deadly force, the policies of four agencies do not address the issue of escapees, and 47 agencies specifically prohibit firing at an escaping misdemeanant.

Substantial Risk

There are times when the officer's life or the life of a third party is not in immediate danger yet the situation is so serious that deadly force may be authorized. Such circumstances[26] might include where an injured officer cannot escape and must shoot to prevent his adversary from going to an adjoining room and arming himself, it being apparent that the person has such ability and intent. This guideline is merely an extension of the previous terminology of immediate. It provides room for an officer to anticipate slightly beyond his actual vision, but does not extend to the vagueness of a fleeing atrocious felon rule. The phrase "grave bodily harm" is suggested here to mean bodily harm that is more than likely to lead to a fatal conclusion. It is recommended that this section not include the atrocious felonies as generally specified in modified common law (arson, burglary, rape, kidnap, extortion, and robbery). The atrocious felonies of mayhem and aggravated assault can be considered as potentially resulting in a fatal conclusion. The heinous crime of rape, however repulsive, normally does not conclude with death of the victim and never with capital punishment for the demented perpetrator.

Findings/Substantial Risk. It is permissible in 48 agencies (90.6 percent) to shoot at a felon who presents a substantial risk of causing serious bodily harm if not presently arrested. Two agencies do not permit such precaution, and three agencies do not address the issue.

In the case of escapees from custody, 44 (83.0 percent) agencies permit the use of deadly force when the officer believes the escapee presents a substantial risk of causing bodily harm if not recaptured. Five agencies do not permit such action, and four agencies do not address such issue in policy.

Findings/Threatening Deadly Force. In the case of preventing a crime or effecting an arrest, 45 agencies (84.9 percent) permit deadly force where a felon is threatening or has threatened deadly force. Five agencies (9.4 percent) do not permit deadly force in such instances, and the policy in three agencies did not specifically address the issue.

In the case of recapturing an escapee, 41 agencies (77.4 percent) permit use of deadly force against felons who threaten deadly force, eight agencies do not, and four policies did not address the issue.

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[26] Royce A. Fincher, Jr., "Police Use of Deadly Force," The Police Yearbook (Gaithersburg, Md.: International Association of Chiefs of Police, 1973), p.98.

Findings/Felons Who Used Deadly Force. Forty-three agencies (81.1 percent) permit deadly force against felons who actually used deadly force during the commission of the crime for which the officer is attempting to effect an arrest. Seven agencies do not permit such response, and three agencies do not address the issue.

To recapture a fleeing felon who actually used deadly force, 38 agencies permit deadly force, 11 agencies do not, and four agencies do not address the issue in their policy.

Recommended Guideline

> *An officer may use deadly force to effect the capture or prevent the escape of a suspect whose freedom is reasonably believed to represent an imminent threat of grave bodily harm or death to the officer or other person(s).*

Juveniles

The shooting of a juvenile by a police officer creates considerable community concern. Likewise, the psychological after-effects on the officer are often more severe when a juvenile is the recipient of his deadly force. Pressures placed on the police agency are often brought about through newspaper accounts of the incident. These accounts, unfortunately, often feature dated photographs of the "juvenile" when he was a baby-faced elementary or junior high school student. These photographs and news media accounts of the incident are not always a reflection of what the officer saw, heard, and perceived at the moment of decision. While we do not condone the shooting of juveniles, we feel that a policy directive which specifically prohibits the police officer from employing deadly force against a juvenile presents an unreasonable demand for judgment by an officer and exposes him to great personal danger. In a life-threatening situation, the police officer should not be required to ask for identification before resorting to deadly force.

Findings. One agency specifically, in written policy, prohibits a police officer from discharging his firearm to capture or prevent the escape of a person when the person is known or believed to be a juvenile. This particular exception for juveniles, while extremely humane, presents an unreasonable demand for judgment by an officer and exposes him to substantial criticism for using deadly force against a youth.

Recommended Guideline

> *No distinction shall be made relative to the age of the intended target of deadly force. Self-defense and imminent threat shall be the only policy guideline for employing deadly force.*

Risk to Innocent Persons

When an officer faces a decision to use deadly force, he must not only consider the intended target victim but must also be cognizant of the likelihood that innocent third parties may be present in the line of fire. The rationale here is that the risk that a dangerous person escape immediate apprehension is never worth endangering innocent persons by lawful police action. But, the right of self-defense and defense of others by the officer obligates the officer to enter into certain life-threatening situations. This obligation should not extend to a sacrifice of the officer because of a possibility of killing innocent persons.

Recommended Guideline

> *Officers are prohibited from discharging firearms when it appears likely that an innocent person may be injured.*

Shots At/From Motor Vehicles

Shooting at or from motor vehicles is a significant use of deadly force issue but an issue not clearly recognized in many departmental policy statements. Our research did not specifically elicit information regarding the number of incidents in which officers used deadly force from a motor vehicle or at a perpetrator in a vehicle. Statistically, there is not a great deal of information available concerning this issue. Fyfe[27] found that officers are involved in shooting incidents when being "assaulted" by a vehicle in 1.1 percent of the total incidents. Where two or more officers were assaulted, the figure rose to 6.1 percent. A five-year analysis of law enforcement officers killed in the United States does not show a single death resulting from assault by motor vehicle.[28] Philosophical discussions of this category of shooting raise the issues of (1) difficulty in hitting the target, (2) ricochets striking innocent persons, (3) population densities, (4) difficulty in penetrating steel radial tires, and (5) inability to put a stop to vehicle momentum even when the target suspect is hit.

Findings. More than one-third of the 53 agencies did not refer to this issue in their policy (see Table 87). Fifteen departments (28.3 percent) responded in the affirmative to all five categories, i.e., shooting at vehicles: when occupants are using deadly force, when the vehicle is being used as the deadly weapon, and when there is an apparent substantial risk of bodily harm, and from vehicles: when occupants are using deadly force, and also when there is a substantial risk apparent. Fourteen agencies (26.4 percent) did not address any of the categories in their policy/procedure statements although four of the 14 indicated that such force was permitted but no particulars were indicated. Four agencies (7.5 percent) indicated it was appropriate to shoot at a vehicle but not from a vehicle. One agency (Fort Worth) does not permit either shooting at or from a vehicle. From the known facts, it is apparent that concerning the issue of firing at or from motor vehicles, agencies either (1) intend significant officer discretion, (2) infer blanket coverage from their primary use of deadly force guidelines, or (3) have simply ignored the issue.

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[27] Fyfe, Shots Fired: An Examination of New York City Police Firearms Discharges, p.395.

[28] FBI, Law Enforcement Officers Killed 1979 (Washington, D.C.: U.S. Department of Justice, 1980).

Recommended Guideline

Officers should not discharge a firearm at or from a moving vehicle except as the ultimate measure of self-defense or defense of another when the suspect is using deadly force by means other than the vehicle.

TABLE 87

USE OF DEADLY FORCE POLICY
SHOOTING AT OR FROM MOTOR VEHICLES

	Permit Use of Deadly Force		Do Not Permit Deadly Force		Policy Does Not Address Issue	
	Number	Percent	Number	Percent	Number	Percent
Shots at Vehicles						
When occupants are using deadly force	33	62.3	1	1.9	19	35.8
When vehicle is used as deadly force	21	39.6	13	24.5	19	35.8
When substantial risk apparent	22	41.5	12	22.6	19	35.8
Shots from Vehicles						
When occupants are using deadly force	27	50.9	5	9.4	21	39.6
When substantial risk apparent	17	32.1	15	28.3	21	39.6

Shots to Destroy Animals

With the possible exception of humane societies, there is not much hue and cry for reducing the number of shots fired to destroy animals. As a matter of fact, we know of no incident in which an intended shot at an animal has resulted in the death of a human.

Fyfe[29] found that 9.3 percent of all shootings in New York City were directed at animals. This factor alone is sufficient to warrant some controls on the shooting of animals. Any time an officer is permitted to draw his weapon (shooting animals, firearms training, inspection, or against a suspect), the potential for discharging the weapon and injuring or killing a human being exists.

Findings. When an animal is considered to be a threat to life, 30 agencies (56.6 percent) permit their officers to destroy the animal by firearm. There is no agency that specifically denies such action. Twenty-three agencies (43.4 percent) ignore the issue in policy statement regarding to specificity of when, but four of the 23 allow destruction without giving explicit direction on circumstances when the animal is not a threat to life, but likely to cause serious bodily harm, 28 agencies (52.8 percent) permit destruction of the animal. One agency specifically denies such destruction, and 24 (45.3 percent) do not specifically address the issue in policy (see Table 88). We have no statistical proof that agencies which permit shooting of animals experience a different Justifiable Homicide Rate (JHR) than other agencies.

TABLE 88

USE OF DEADLY FORCE POLICY
SHOOTING TO DESTROY ANIMALS

	Permit Use of Deadly Force		Do Not Permit Deadly Force		Policy Does Not Address Issue	
	Number	Percent	Number	Percent	Number	Percent
When animal is threat to life or bodily harm	30	56.6	0	0	23	43.4
When animal is badly injured	28	52.8	1	1.9	24	45.3

Recommended Guideline

The killing of an animal is justified (1) for self-defense, (2) to prevent substantial harm to the officer or another, or (3) when the animal is so badly injured that humanity requires its relief from further suffering.

A seriously wounded or injured animal may be destroyed only after all attempts

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[29] Fyfe, Shots Fired: An Examination of New York City Police Firearms Discharges, p.374.

> *have been made to request assistance from the agency (humane society, animal control, game warden, etc.) responsible for the disposal of animals. The destruction of vicious animals should be guided by the same rules set forth for self-defense and the defense and safety of others.*

Warning Shots

Warning shots and shots to summon assistance have been neglected in many of the research efforts. While Fyfe[30] addresses the issue in his work, the treatment does not permit much substantial causative relationship to cases culminating in deadly force. Likewise, our own research did not seek specificity regarding deaths from warning shots. Most of the departments (67.9 percent) that we surveyed, however, feel that warning shots are outweighed by the risk to innocent persons, by the threat of inappropriate response from other officers who mistake the warning as an intended shot and subsequently shoot at the suspect, using the warning shot as an excuse that the hit was not intended; warning shots may prompt a suspect to return fire when his original intention is to flee; and, finally, the legal consequences associated with a warning shot that strikes an unintended target.

Findings. Thirty-six agencies (67.9 percent) do not permit warning shots. Eleven agencies (20.8 percent) do allow their officers to fire warning shots. Policy in six agencies (11.3 percent) is silent on the issue of warnings. The firing of shots for the purpose of summoning assistance is permitted in only six (11.3 percent) of the 53 police agencies. Twenty-two specifically do not allow such shooting, while 25 agencies' policy (47.2 percent) did not treat this issue. (See Table 89.)

TABLE 89

USE OF DEADLY FORCE POLICY
WARNING SHOTS - SHOTS TO SUMMON ASSISTANCE

	Permit Use of Deadly Force		Do Not Permit Deadly Force		Policy Does Not Address Issue	
	Number	Percent	Number	Percent	Number	Percent
Warning shots	11	20.8	36	67.9	6	11.3
Shots to summon assistance	6	11.3	22	41.5	25	47.2
Warning and assistance	6	11.3	16	30.2	31	58.5

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[30] Fyfe, Shots Fired: An Examination of New York City Police Firearms Discharges, p.284.

Of the 11 agencies that permit warning shots, five have a justifiable homicide rate above the mean. However, the 11 agencies combined fall below the mean justifiable homicide rate. Thus, there is no clear statistical proof that agencies which permit warnings have a higher justifiable homicide rate.

Recommended Guideline

A police officer is not justified in using his firearm to fire a warning shot.

On-duty Handgun and Ammunition

The debate concerning effectiveness of various caliber and style of police weapons is long standing. Officers have grappled with this issue among themselves and with special interest groups. The issue of caliber, lead weight, and ammunition point style has been the center of considerable research. The traditional weapon and ammunition is the .38. Many agencies in recent years have adopted a larger .41, .44, or .45, and others have opted for the .357 and 9mm. Interestingly, Geller[31] found that a disproportionate number of accidental shootings by police officers involved semi-automatic weapons.

Findings. Twenty-one agencies (39.6 percent) detailed their requirements concerning firearms style and caliber, ammunition caliber, grain weight, jacket or point, and holster. These requirements were seldom incorporated into the same general order which contained the circumstances of when to shoot. A comparison of the two issues, when to shoot versus type of firearms equipment, revealed far more detail on firearms equipment.

Twenty agencies (37.7 percent) restrict their on-duty handgun and 22 (41.5 percent) restrict their ammunition to .38 caliber. These agencies experienced a mean justifiable homicide rate of .23. Twenty agencies permit a .357 weapon, but only 16 permit use of .357 ammunition in the weapon. These 16 agencies have a mean JHR of .42. Ten agencies permit their officers to carry either a .41, .44, or .45 caliber weapon. These agencies experience a mean justifiable homicide rate of .46. Nine agencies permit the carrying of 9mm weapons. These agencies also experience a significantly high justifiable homicide rate of .48.

None of the agencies which submitted policy disallows use of the .38 caliber weapon. Eight departments did not address the issue of weapons in their use of force policy, and 12 agencies did not address the issue of ammunition.

The police policymakers should be cognizant of the high JHR in those agencies which are now permitting a weapon and ammunition different from .38 caliber.

Recommended Guideline

All on-duty officers shall be armed with a department approved firearm.

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[31] William A. Geller and Kevin J. Karales, Split Second Decisions: Shootings of and by Chicago Police (Chicago: Chicago Law Enforcement Study Group, June 1981), p.199.

TABLE 90

USE OF DEADLY FORCE POLICY
ON-DUTY WEAPON AND AMMUNITION

	Number	JHR
Restricted to .38 caliber	22	.23
Permit .357	16	.42
Permit .41, .44, or .45	10	.46
Permit 9mm	9	.48

Back-up or Secondary On-duty Weapon

Police officers in the United States are all conspicuously armed with a revolver or semi-automatic handgun. This fact is recognized and, for the most part, approved of by most of our citizenry. A second fact which is not common knowledge is that many police officers elect also to carry a concealed secondary weapon. There are several stated reasons for the practice. Officers are concerned about being disarmed during a confrontation; officers are less likely to be caught off guard when a confrontation is not anticipated; officers can less conspicuously be prepared to protect themselves during "routine" citizen stops. Regardless of the rationale, the practice is considered acceptable by knowledgeable police officials but treated by many police administrators as something that is understood but not formally admitted. A major criticism of the back-up weapon is that it may be intended as a "throw away" in the event that an officer shoots an unarmed suspect. In order to protect the officers from such allegations, we recommend a strict policy of registering all back-up and off-duty weapons carried by the officers. We strongly feel that the issue of secondary weapons must be addressed in every detail in policy.

Findings. Twenty-two agencies (41.5 percent) clearly permit their officers to carry a secondary back-up weapon when on duty. One agency (1.9 percent) does not allow such a weapon. Probably the most striking issue regarding back-up weapons is that 31 agencies (58.5 percent) do not recognize the significance of including any guidance in their department policy. The 22 agencies with back-up weapon policy experience a mean JHR of .31 which is marginally higher than the overall mean of .28.

Recommended Guideline

A secondary (back-up) on-duty handgun
is authorized but only upon meeting
specific department approval.

Off-Duty Weapons

Police departments vary in their requirements that officers carry firearms while off duty and whether other weapons such as mace and batons are carried. For example, a recent survey[32] of 50 large departments showed that 24 required their officers to be armed off duty while the remainder either gave the officers the option or prohibited the practice.

Previous research findings by Fyfe[33] and Milton[34] indicated that a significant number of homicides by police were occurring when the shooting officers were off duty. Fyfe found that 21.5 percent of all police shootings in New York City involved off-duty officers and that off-duty shootings violated law or departmental shooting guidelines significantly more often than on-duty shootings. In a study of 320 shooting incidents in seven cities, Milton found that 17 percent involved off-duty personnel.

There appears to be research agreement that off-duty officers account for a significant number of total justifiable homicides by police. With this known, it now becomes necessary for legislators, police executives, and citizens to determine the cost/benefit relationship between off-duty shootings and off-duty officer safety, crime prevention, and criminal apprehension. The factor of crime prevention has not been sufficiently measured statistically. One major study[35] has reported some inferences about crime prevention by uniformed police officers, but a scientific measurement has escaped our ability. Therefore, a measurable comparison of off-duty shootings to crime must of necessity be relegated to a statistical comparison of off-duty arrests and crime clearances by death of the perpetrator.

A second measurable cost/benefit relationship may be comparison of on-duty police officer deaths to off-duty police officer deaths. In 1979, 106 law enforcement officers were reported killed in the line of duty.[36] Of this total, 11 (10.4 percent) were reported to be off duty.

Other factors that must be measured when considering the cost or benefit of arming off-duty police officers are the community fear and the jeopardy of police officers who routinely deal with dangerous persons while on duty. Can we measure the potential for criminals to strike back at police officers who while off duty are known to be unarmed? This becomes especially critical when considering either the black or Hispanic police officer, since Fyfe[37] found that they were far more likely to have fired their guns off duty than were whites. This variation was associated with the disproportionate presence of off-duty minority officers in the cities' most hazardous areas. The individual officer must also weigh his likelihood of using his weapon in a personal confrontation, especially so with female spouses or acquaintances. As Fyfe[38] noted, the most severe consequence of firearm discharge incidents involving lone females are generated between off-duty officers and female acquaintances.

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[32] John F. Heaphy, (ed.), Police Practices: The General Administrative Survey (Washington, D.C.: Police Foundation, 1978).

[33] Fyfe, Shots Fired: An Examination of New York City Police Firearms Discharges.

[34] Catherine Milton, Jeanne Wahl Halleck, James Lardner, Gary L. Abrecht, Police Use of Deadly Force (Washington, D.C.: Police Foundation, 1977).

[35] George L. Kelling, Tony Pate, Duane Dieckman and Charles E. Brown, The Kansas City Preventive Patrol Experiment (Washington, D.C.: Police Foundation, 1974).

[36] FBI, Crime in the United States 1979 (Washington, D.C.: U.S. Department of Justice, 1980).

[37] Fyfe, Shots Fired: An Examination of New York City Police Firearms Discharges, p.170.

[38] Fyfe, Shots Fired: An Examination of New York City Police Firearms Discharges, p.158.

Findings. In light of the previous findings by other researchers, we felt it mandatory to take a critical look at off-duty shootings and policy in our 57 study cities. Although we did not find the ratio quite as high as did Fyfe or Milton, nevertheless, it is sufficiently high to warrant attention. In a five-year period (1975-1979), shooting deaths by off-duty officers ranged from a low of 7.6 percent in 1976 to a high of 16.4 percent in 1978 (see Table 91). It is not surprising that agencies which make it mandatory to carry an off-duty weapon experience a higher percentage (16.4) of off-duty deaths than do agencies with an optional off-duty weapon policy (9.5). However, the mandatory off-duty weapon agencies are experiencing an overall lower mean justifiable homicide rate (.25) than agencies with the optional policy (.30).

These facts may indicate that the specific off-duty weapon policy is less important than other policy and causation factors. This finding probably reinforces our major finding of crime as the primary causation of the use of deadly force by the police.

TABLE 91

JUSTIFIABLE HOMICIDE BY THE POLICE
ON DUTY - OFF DUTY
1975-1979

Year	On Duty (Percent)	Off Duty (Percent)
1975	87.1	12.9
1976	92.4	7.6
1977	89.0	11.0
1978	83.6	16.4
1979	86.7	13.3

Recommended Guideline

Officers are encouraged, but not mandated to carry a handgun when off duty. An officer who elects not to carry a handgun while off duty shall not be subjected to disciplinary action if an occasion should arise in which he could have taken police action if he were armed. (Exception) Off-duty officers while operating a department vehicle shall be armed with an approved weapon.

TABLE 92

USE OF DEADLY FORCE POLICY
OFF-DUTY WEAPONS

	Agencies		On-duty Deaths (1975-1979)		Off-duty Deaths (1975-1979)		Mean JHR
	Number	Percent	Number	Percent	Number	Percent	
Off-duty weapons mandatory	14	26.4	331	83.6	65	16.4	.25
Off-duty weapons optional	20	37.7	296	90.5	31	9.5	.30
Off-duty weapons prohibited	0	0	---	----	--	----	---
Policy is conflicting	1	1.9	---	----	--	----	---
No specified off-duty policy	18	34.0	470	88.8	59	11.2	.29

Registration of Police Officers' Weapons

As evidenced throughout this section of our report, the specific guidelines to control firearms are often absent in written policy. The findings concerning on-duty, off-duty, and back-up weapons, ammunition, and operational strategies clearly indicate that policymakers must expend considerable attention on these issues. The policy decisions concerning firearms must not be relegated to the complete discretion of the individual police officers. This policy must be addressed squarely and completely from the highest level of police management.

Findings. The issue of registering police firearms has not received as much policy attention as many of the other policy components. (See Table 93.) Nearly one-half (49.1 percent) of the study agencies do not address the issue of police firearms registration. The need for registration seems to be more important when it involves the officer's on-duty firearm, as evidenced by required registration in 24 agencies (45.3 percent) as opposed to 15 (28.3 percent) for off-duty weapons and 12 (22.6 percent) for back-up weapons. Clearly the entire issue of registration does not receive a responsible level of attention as shown by the number of agencies which do not address the issue in their policy, 26 (49.1 percent) for on-duty weapons, 30 (56.6 percent) for off-duty weapons, and 33 (62.3 percent) for back-up weapons.

The nine agencies which require registration of all police officer weapons (on-duty, off-duty, and back-up) reflect a mean JHR of .26. This is slightly lower than the overall mean of .28.

None of our 53 sample agencies requires a registration which includes a ballistics sample of any of the officers' weapons, on-duty, off-duty, or back-up.

When it comes to the matter of safety, our respondent agencies show a little more concern for the weapons issue. Still, the number of agencies which do not address the issue in policy (49.1 percent concerning on-duty, 56.6 percent off-duty, and 62.3 percent back-up) is significantly high.

TABLE 93

USE OF DEADLY FORCE POLICY
POLICE WEAPONS REGISTRATION

	On-duty Weapon		Off-duty Weapon		Back-up Weapon	
	Number	Percent	Number	Percent	Number	Percent
Weapon must be registered by model and serial number	24	45.3	15	28.3	12	22.6
Weapon need not be registered by model and serial number	3	5.7	8	15.1	8	15.1
Policy does not address issue	26	49.1	30	56.6	33	62.3

TABLE 94

USE OF DEADLY FORCE POLICY
POLICE WEAPONS INSPECTION

	On-duty Weapon		Off-duty Weapon		Back-up Weapon	
	Number	Percent	Number	Percent	Number	Percent
Weapon must be inspected by a firearms rangemaster	22	41.5	13	24.5	13	24.5
Weapon need not be inspected by a firearms rangemaster	2	3.8	9	17.0	6	11.3
Policy does not address issue	29	54.7	31	58.5	34	64.2

TABLE 95

USE OF DEADLY FORCE POLICY
POLICE WEAPONS REGISTRATION BY BALLISTICS

	On-duty Weapon		Off-duty Weapon		Back-up Weapon	
	Number	Percent	Number	Percent	Number	Percent
Weapon must be registered by ballistics sample	0	0	0	0	0	0
Weapon need not be registered by ballistics sample	19	35.8	18	34.0	17	32.1
Policy does not address issue	34	64.2	35	66.0	36	67.9

Recommended Guideline

A department-approved handgun (on-duty, off-duty, secondary) intended for official use by any police officer must meet the following requirements:

- *The firearm must be .38 caliber.*
- *The firearm must be loaded only with .38 caliber ammunition (grain weight and jacket should be specified).*
- *The firearm must be inspected, fired, and certified safe by the department armorer.*
- *The firearm must be registered with the department by make, model, serial number, and ballistic sample.*
- *The officer must demonstrate his safe and proficient use with the weapon during regular firearm qualification sessions.*
- *The officer must meet "certification" requirements with each approved weapon.*

Firearms Training

In an earlier portion of this report, we identified several legal ramifications that a police department must face when considering training of police officers. The training of officers in firearms proficiency, safety, and legalities is undoubtedly the most critical of the several training areas. A police department may be financially liable if one of its officers uses deadly force. This gives the department a legitimate interest in setting standards of firearms use. A single recent court case[39] more vividly illustrates this issue. The court cited the following factors as evidence of grossly inadequate firearms training:

- The officer's firearms training took place 10 years prior to the shooting incident.

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[39] Popow v. City of Margate, 484 F. Supp. 1195 (D.C.N.J. 1979).

- In-service firearms training took place only twice a year.

- The firearms training did not include shooting at moving targets.

- The training did not include night shooting.

- The training did not account for shooting in populated residential areas.

The police administrator is inundated today with numerous claims of "best" firearms training programs. These claims include practical pistol course, tactical course, exertion course, stress course, and numerous shooting simulator[40] courses, to name only a few. Our research indicated a significant relationship between high justifiable homicide rate (JHR) and the exertion and stress courses. This finding, however, is only one of a multitude of suggested relationships, but one which should be considered when designing a firearms training program.

We believe a more positive relationship has been linked to the off-range classroom firearms training. It is somewhat apparent that non-shooting firearms training has been neglected in many agencies. This neglect is more profound concerning in-service officers than preservice officers, although both require considerable attention. We encourage the training administrators to increase the hours of legal, moral, and policy aspects in their non-shooting firearms training sessions.

Findings. Our earlier findings indicate a considerable number (12.2 percent over five years) of justifiable homicides by off-duty police officers. Also, 11.1 percent[41] of the police officers murdered occurred when the officers were off duty. These numbers should be important to the development of firearms training courses, yet only 26.4 percent of our sample agencies require their officers to be certified with their off-duty weapons.

Only 11 agencies (20.8 percent) detailed their firearms training requirements with "when to shoot" policy and in general order format. In several cases, this actually resulted in training instruction being in conflict with administrative orders. Twenty-eight agencies (52.8 percent), as clearly stated in policy, require their officers to qualify with their on-duty weapon at least annually. These 28 agencies reflect a mean JHR of .27. Only 14 agencies require their officers to qualify with their off-duty weapons, and 13 with their back-up weapons. There are eight agencies which require their officers to qualify not only with their primary weapons but also with their secondary and off-duty weapon. These agencies experience a very low (.23) JHR.

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[40] An example of these approaches to firearms training is Seattle Police Department's "synthesized Media Environment Simulator" (SME) which teaches how and when to shoot while simultaneously introducing a degree of realism sufficient to induce stress.

[41] Federal Bureau of Investigation, Uniform Crime Reports, Law Enforcement Officers Killed (Washington, D.C.: Federal Bureau of Investigation, 1978, 1979).

TABLE 96

USE OF DEADLY FORCE POLICY
ANNUAL FIREARMS QUALIFICATION

	On-duty Weapon			Off-duty Weapon			Back-up Weapon			All Three Weapons	
	Number	Percent	JHR	Number	Percent	JHR	Number	Percent	JHR	Number	JHR
Officer must be qualified at least annually	28	52.8	.27	14	26.4	.23	13	24.5	.32	8	.23
Officer need not be qualified annually	0	0	---	8	15.1	.35	6	11.3	.28	---	---
Policy does not address issue	25	47.2	.30	31	58.5	.29	34	64.2	.27	---	---

Recommended Guideline

All officers shall be "certified" with their primary and secondary on-duty weapons and their off-duty weapon. "Certification" shall include training regarding the legal, moral, and ethical aspects of firearms use; safety in handling firearms; and proficiency in the use of firearms.

Firearms "certification" shall be required at least quarterly. And, in the event of any accidental discharge, the officer involved must undergo an immediate re-certification training prior to returning to full duty.

Officers who fail to meet certification requirements will be granted a 10-day grace period. Within the 10-day period, the officer must on his own time report to the training academy for remedial training and certification. Officers who fail to achieve certification after

> *attending remedial firearms training will be placed on suspension. After one week on suspension, if the officer has still failed to achieve certification, he shall be suspended for failing to maintain standards or, in the case of physical or mental disabiliies, the officer shall become eligible for disability retirement.*

Personal Services After Shooting

As indicated in a previous portion of this report, departments tend to neglect an officer who has been involved in a shooting incident. This neglect generally includes the officer's assignment, the availability of psychological services, legal services, counseling services, personnel and family services. This type of treatment often places the officer in self-imposed isolation. The officer may turn to personal resources at substantial financial cost or he may seek consolation from fellow officers. We shall attempt to treat each of these issues independently.

Legal Services. An officer involved in the use of deadly force can be subjected to several areas of criminal and civil jeopardy in addition to being vulnerable to potential departmental discipline. Individually, the officer involved in a shooting can be held culpable for violation of state criminal statutes. Civil liability can also be imposed for the use of deadly force under state sanctioned civil causes of action. In addition, an officer faces individual civil and criminal jeopardy under federal law for violation of the federal civil rights act (18 U.S.C. 241 and 242 criminally and 42 U.S.C. 1983 civilly). Recent United States Supreme Court decisions now also place a state, county, or municipal entity/agency vulnerable to monetary damages under 42 U.S.C. 1983.

These potential legal actions and litigation place a great strain on both the officer and the law enforcement agency. While the department should not condone malicious and intentional brutality nor unlawful use of deadly force by its officers, an officer must be afforded the same legal assistance and guidance as any other private citizen. In providing an officer immediate legal assistance through the use of an attorney, the officer is afforded an opportunity to justify his or her actions as well as to prepare immediately to justify such actions in future criminal or civil litigation. In view of the recent decisions abrogating the sovereign immunity defense for a department, this early presence and legal assistance also provides immediate assistance in preparing to defend any legal action against the department in federal court.

It must never be forgotten that litigation arising out of police use of deadly force occurs many years after the incident has occurred. This necessitates the preparation to defend such action and use of force by the officer immediately after the incident. The presence of legal counsel can be invaluable in gathering information to put a case in prime defense posture by on-scene assistance to sworn personnel, particularly in terms of preserving the shooting scene and protection of physical evidence that can be vital in exonerating the officer's action in court at a later date. Scrutiny of the facts and circumstances surrounding the shooting from an attorney's viewpoint can assist in determining the relative strengths and weaknesses of a case in terms of legal sufficiency.

A police officer employing deadly force in good faith and within legal guidelines is acting in the performance of his or her sworn duties on behalf of the population of the community served by his or her department. A primary function of law enforcement services is to protect the citizenry, deter criminal misconduct, and prevent the commission of criminal acts. In order to perform these duties, an officer is screened, selected, trained, employed, and equipped to meet the demands of the law enforcement profession. Eventually, he or she is assigned to patrol or street duties with departmental approval. It is a presumption that mental and psychological soundness was scrutinized and found to appropriately warrant the issuance of a firearm to that officer, to assist in the performance of statutory duties as well as to protect the life and safety of the officer.

Having given the officer the necessary equipment to perform assigned duties, it must be presumed until proven otherwise by sufficient evidence that the firearm was used only for the furtherance of official duties and responsibility to the general public. This weapon is being used only because it is placed in that officer's hand by the citizenry for appropriate use in the performance of public service to the community. Accordingly, it is incumbent on this same citizenry to support an officer involved in the use of deadly force so long as it can be established that the use of such force is reasonable, in the line of duty, and in good faith. This departmental support should be established at the earliest stages of post-shooting investigations and, when appropriate use of deadly force is established, remain firm despite outside press, media, federal government, or civil litigation pressures.

This obligation for supportive response by the general citizenry is one required by equitable, legal, as well as moral considerations. In addition, early demonstration of departmental support for officer-involved shootings may help relieve labor problems within a department and assist in establishing what is unfortunately too common a credibility gap between administration and line personnel. Officer morale will also be enhanced by such departmental support.

Every private citizen has a right to an attorney to assist in the defense of criminal and civil matters in which he is a potential defendant. A police officer performing sworn duties must be afforded no less than these same guaranteed rights before, during, and in conjunction with an officer-involved shooting investigation. The constitutional guarantee that a person is innocent until proven guilty by a court of law must of necessity be extended to a police officer, particularly in view of the additional pressures and burdens that officer use of deadly force invokes. For example, lay juries often place a very unfair burden on an officer to prove innocence rather than the converse and assume that the officer would not have been brought to trial were he or she not in fact guilty as charged. In order to assure this guarantee, the police agency should provide legal services to its officers. This assistance of legal counsel is also vital in protecting that officer from a civil judgment for monetary damages arising out of a shooting incident

Findings. Only one (1.9 percent) of 53 agencies mentions the availability of any legal, spiritual, or personal type service to officers who have been involved in a shooting incident. None mention the offering of any assistance to the officer's family. (See Table 97.)

Recommended Guideline

A department-furnished attorney should be immediately notified of any officer-involved shooting incident. The attorney shall immediately proceed to the scene of the shooting to meet with and establish a lawyer-client relationship with that officer, and refrain from acting on behalf of the department at this initial stage of investigation until officer and departmental interests are deemed to be consistent with each other. The attorney should assist the officer in drafting a formal statement as to the underlying facts and the reasonableness as perceived by the officer justifying his or her use of deadly force. The statement shall be drafted to insure (if that be appropriate) that legal sufficiency for such use of force is included in the officer's statement. The officer will also be advised of his legal and departmental rights regarding statements. The attorney will continue to assist the officer during the post-shooting investigations as well as criminal, civil, and federal civil rights actions, including the initial interview conducted by federal agents in a criminal civil rights action. Should this initial lawyer-client interview indicate that the officer has not acted lawfully, in good faith, or within the scope of his or her duties, the attorney assigned by the department will advise the officer that all future legal representation on his behalf will have to be financed personally by the officer. However, all communication between the officer and department-furnished legal counsel are privileged and will remain confidential and undisclosed. Should this be the case, and in view of the severe criminal consequences involved, department-assigned counsel should advise the officer to refrain from making any further statements on the matter save those for strictly departmental, internal purposes. Whenever departmental legal counsel is required to withdraw from providing legal assistance to the department because of this prior involvement and relationship with the officer, a request to the state, county, or local legal entity providing such services to the department by statute should be made to seek the assignment of another publicly employed attorney to

> *assist in whatever departmental or criminal action is deemed appropriate. This can be done on a case-by-case basis to insure propriety at all time and avoid any unnecessary conflict of interest for legal counsel, as well as provide necessary legal service to the departmental command personnel.*[42]

Psychological Services. An officer who has just been involved in a shooting incident undergoes substantial soul-searching from both a moral and ethical standpoint. He will examine his own personal conduct as set by an external code or standard, i.e., the community, the police fraternity, family, friends, neighbors, and religion. Likewise, he will examine his own private code of justice and fairness in light of the situation, past experience, and value placed on human life. The examination of moral and ethical conscience may be a healthy experience if properly controlled. There are, on the other hand, many examples of officers mentally crumbling under the strain of serious soul-searching as an aftermath of a shooting. Psychologists[43] who work with police officers indicate that almost all officers who become involved in fatal use of force incidents have similar reactions:

- The officer becomes less aggressive in his work.
- The officer becomes more introspective about his role as a public servant.
- Other officers treat him with a fascination.
- City officials are likely to keep their distance from him publicly.
- The officer's relationship with his family may become strained.
- The officer will probably experience flashbacks and nightmares.
- A very high proportion of officers involved in fatal shootings ultimately leave their departments because of the stress disability.

Many officers have been awarded "stress disability" retirements based on a finding of being emotionally unfit for continued police work following the trauma of a shooting incident.[44]

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[42] Assistance in preparing this section on legal services as well as in drafting this recommended policy guideline was provided by Joseph E. Scuro, Jr., Assistant Attorney General, Legal Counsel, Ohio State Highway Patrol, Columbus, Ohio.

[43] John Stratton, Ph.D., A presentation in a use of deadly force training program (1981).

[44] The Washington Post, April 1980.

Some departments allow for religious or psychological counseling to officers following a shooting incident. Where these services are provided, the results appear positive; the problem being that such services are generally optional to the officer. In the case of providing chaplain services, the option may be more valid due to individual religious beliefs. But, regarding professional psychological help, the option may not be in the best interests of the officer. Many officers with a macho attitude or by virtue of peer pressure will opt not to take advantage of the service. Such a decision we see as a detriment to the officer.

The family of the involved officer is faced with similar moral and ethical strains following a shooting encounter. More times than not, the family is completely forgotten, not only by the department but also by the officer himself. This isolation is psychologically unhealthy to all concerned. It is imperative that mental isolation be overcome. The psychologist and clergy can assist by providing professional services to both the officer and his family. These professional services should extend to placing the officer and his family in contact with other families who have undergone similar situations.

Findings. Only four agencies require a psychological debriefing when an officer is involved in a deadly force incident. Two additional agencies permit the debriefing at the option of the officer. (See Table 97.)

TABLE 97

USE OF DEADLY FORCE POLICY
AFTER-SHOOTING SERVICES TO OFFICER

After a police shooting which has resulted in the death or injury of a citizen:	Number	Percent
Officer is placed on administrative duty	8*	15.1
Officer is placed on administrative leave	4*	7.5
Officer is provided with mandatory psychological services	4	7.5
Officer is provided with optional psychological services	2	3.8
Officer is afforded departmental legal services/consultation	0	0
Officer is afforded departmental religious services/ consultation	1	1.9
Officer and family are afforded department personnel services	0	0

*One agency uses both administrative duty and leave.

Recommended Guideline

> *In all cases where any person has been injured or killed as a result of firearm discharge by a police officer, the involved officer will be required to undergo a debriefing with the department psychologist as soon as possible, but within 24 hours of the incident. The purpose of this debriefing will be to allow the officer to express his feelings and to deal with the moral, ethical, and/or psychological after-effects of the incident. The debriefing shall not be related to any department investigation of the incident and nothing discussed in the debriefing will be reported to the department. The debriefing session will remain protected by the privileged physician-patient relationship.*

> *In all cases where any person has been injured or killed as a result of a firearm discharge by a police officer, the involved officer and his family will have available to them the services of the department chaplain. The purpose of this offer is to provide the officer and/or his family with a source of professional consultation to aid them in dealing with the potential moral and ethical after-effects of a shooting incident. The chaplain services shall not be related to any department investigation of the incident and nothing discussed will be divulged to the department. The consultation sessions will remain protected by the privileged relationship.*

Administrative Leave. When an officer is involved in a shooting incident, he generally needs time to collect himself. He should meet with a psychologist and an attorney, and many may feel a need to confer with a member of the clergy. The department and the officer are usually subjected to community and media pressures. These pressures and the need to have time to confer and reflect on the incident mean that the department is under some obligation to temporarily relieve the officer from the rigors of police duties. Unfortunately, many departments have failed to recognize this very serious need. Some have recognized the need but have stigmatized the officer by placing him on "suspension." The term suspension in the police tradition has usually been associated with negative discipline. Therefore, when an officer is "suspended pending an investigation," the media, the public, and officers regard this as a disciplinary reaction to the shooting incident. In the event the officer is exonerated of all liability and returned to full duty, the original "suspension," however, remains ingrained in the public eye, and like a newspaper retraction, no one will read or understand any rationale explaining the final disposition. To overcome this stigma, and yet provide the officer with a few days of paid time off, we strongly recommend that the department use "administrative leave." Secondly, when the officer is psychologically prepared to return to work, the agency may consider a more lengthy period of "light" or "administrative" duty where the officer is provided with an opportunity to continue doing real police work but off the street for a short while.

Findings. Only 11 agencies (20.8 percent) provide for an officer to be placed on either administrative leave or duty following a shooting incident. Forty-two agencies (79.2 percent) do not recognize the significance of such administrative action in their policy.

Recommended Guideline

> *Any officer directly involved in a deadly force incident shall be placed on "administrative leave" directly upon completion of his preliminary report of the incident. This leave shall be without loss of pay or benefits, pending the results of the investigation. The assignment to administrative leave shall not be interpreted to imply or indicate that the officer has acted improperly.*
>
> *While on administrative leave, the officer shall remain available at all times for official departmental interviews and statements regarding the shooting incident, and shall be subject to recall to duty at any time. The officer shall not discuss the incident with anyone except the state's attorney, departmental personnel assigned to the investigation, the officer's private attorney, the officer's psychologist, the officer's chosen clergy, and the officer's immediate family.*
>
> *Upon returning to duty, the officer may be assigned to "administrative duty" for a period of time as deemed appropriate by the officer, his psychologist, and the chief of police.*

The Post-Shooting Investigative Process

The integrity of the police is never so critiqued as during and following the investigation of an officer-involved shooting. Commissions have been formed as oversight committees in an effort to determine a best way to investigate such incidents. Prosecutors have been accused of investigative negligence stemming from their everyday close relationship to the police and, therefore, their inability to be unbiased. Federal and local community relations groups have accused the police of coverups. Civilian review boards have been suggested as the panacea investigative process. Such boards have developed and later faltered under the weight of their own inability to professionally investigate complicated, stress-ladened, shooting scenarios. The end result seems to be a quality criminal investigation by the best available source--the most sophisticated homicide investigation unit with jurisditional authority. The second part of the process lies outside the control of the police, that is, the judicial process. It is here that we suggest a more complete analysis of the process.

The investigative versus the prosecutorial process was vividly highlighted in the McDuffie case. In this case, the same criminal justice system (prosecutors, judges, courts-juries) that routinely frustrate the police efforts to control crime is the system that worked to the advantage of police officer/defendants. In brief, four police officers were (1) dismissed from the department, (2) criminally charged with homicide as a direct result of a departmental investigation, (3) indicted by a Grand Jury, and (4) found not guilty by a trial jury.

The point here is that the post-shooting investigative process by the police department concerning its own members was handled in a competent professional manner, yet the ultimate outcome was frustrating to both the police and the community. Unfortunately, in this report we shall deal only with making the police process more effective and only hope that other criminal justice components will do likewise.

It is difficult, if not impossible, to determine or even suggest a relationship between the post-shooting investigative process and the justifiable homicide rate. Table 98 illustrates our attempt at such a comparison. We draw no conclusions from the table. From experience we suggest that high rates may be the cause of administrative controls rather than administrative controls resulting in lower rates.

Our suggested guidelines are therefore based on our practical experience and the total experience gained from this project.

Findings/Investigative Procedure. Policy in 32 agencies (60.1 percent) included directives on investigating shootings by police officers. Although more agencies indicated or inferred that such investigations take place, the actual procedure was not specified in the submitted use of force policy.

Findings/Investigation of Police Firearms-Caused Death or Injury. As shown in Table 99, municipal police agencies have not come to a consensus regarding investigative procedure following a death or injury caused by a police officer. Four agencies (7.5 percent) do not address the issue of investigative responsibilities in their use of deadly force policy. Four agencies discuss the investigation procedure but only through the preliminary field investigation stage. Forty-five agencies (84.9 percent) specifically detail the follow-up investigative procedure.

Most agencies (28) begin their follow-up investigation with a departmental criminal investigation unit, but beyond that point there again is little consensus of any "correct" procedure. Only Kansas City and San Jose include an investigation by the District Attorney in addition to the complete range of internal investigations.

Findings/Investigation of Firearm Discharges. Only one agency (1.9 percent) reports that firearm discharges (without hit) do not require a formal investigation. However, six (11.3 percent) additional agencies remain silent on the issue. Forty-nine agencies (92.5 percent) require that a formal written report be prepared detailing the circumstances of every firearms discharge. Forty-six agencies (86.8 percent) require a formal investigation of all firearm discharges, but there does not appear to be a consensus concerning who should conduct such investigation. Thirty-three agencies (62.3 percent) require at least a preliminary investigation by the line supervisor. Twenty-seven (50.9 percent) require that the line commander follow up with an investigation. Nineteen agencies (35.8 percent) insist upon a formal investigation by a board, 12 agencies (22.6 percent) use an internal affairs unit, and four (7.5 percent) a criminal investigation unit.

TABLE 98

POST-SHOOTING INVESTIGATIVE PROCESS RELATED TO JUSTIFIABLE HOMICIDE RATE

	Number	JHR
Investigation by the Criminal Investigation Unit	28	.31
Investigation by Internal Affairs Unit	20	.29
Investigation by the District Attorney	7	.29
Investigation by Criminal Investigation Unit and Internal Affairs Unit	13	.35
Investigation by Criminal Investigation Unit, Internal Affairs Unit, and District Attorney	2	.29
Mandatory Board of Review	21	.35
Optional Board of Review	13	.25
No Board of Review	6	.18

TABLE 99

USE OF DEADLY FORCE POLICY FIREARM DISCHARGE INVESTIGATION

	Requires Written Report		Requires Investigation		Does Not Require Investigation		Policy Does Not Address Issue	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Required report	49	92.5	--	---	--	---	4	7.5
Required investigation	--	---	46	86.8	1	1.9	6	11.3
By line supervisor	--	---	33	62.3	9	17.0	11	20.8
By line commander	--	---	27	50.9	12	22.6	14	26.4
By criminal investigation unit	--	---	4	7.5	34	64.2	15	28.3
By internal affairs unit	--	---	12	22.6	26	49.1	15	28.3
Mandatory by board of review	--	---	19	35.8	22	41.5	12	22.6
Optional by board of review	--	---	9	17.0	32	60.4	12	22.6

Three agencies (Kansas City, Miami, and New Orleans) require an investigation by line supervisor, line commander, internal affairs, and a mandatory review board.

Findings/Board of Review. Only 19 agencies (35.8 percent) detailed the existence, format, and procedure of a board to review incidents of police use of deadly force. Several agencies' policies inferred the existence of such a board and others had general disciplinary boards but did not indicate a relationship to a shooting investigation review.

Department Discipline v. Criminal Prosecution. Two agencies (3.7 percent) specifically forbid the rendering of any departmental disciplinary finding regarding a deadly force incident before the criminal process has been concluded. One agency (1.9 percent) specifically indicates that the departmental finding will be released immediately upon finding by the internal review process and in total disregard of any criminal process. Fifty agencies (94.3 percent) do not address the issue of departmental versus the criminal process.

TABLE 100

USE OF DEADLY FORCE POLICY
INVESTIGATION OF POLICE FIREARMS-CAUSED DEATH OR INJURY

	Requires Investigation		Does Not Require Investigation		Policy Does Not Address Issue	
	Number	Percent	Number	Percent	Number	Percent
Investigation required by police	49	92.5	0	0	4	7.4
By line supervisor	34	64.2	11	20.8	8	15.1
By line commander	39	56.6	11	20.8	22	41.5
By criminal investigation unit	28	52.8	11	20.3	14	26.4
By internal affairs unit	20	37.7	18	34.0	14	28.3
By district attorney	7	13.2	19	35.8	27	50.9
Mandatory by board of review	21	39.6	19	35.8	13	24.5
Optional by board of review	13	24.5	28	52.8	12	22.6

Recommended Guideline

The following procedures will be used to investigate every incident of firearms discharge by a department member except for target practice, hunting, ballistic examinations, and incidents involving the destroying of an animal.

INVOLVED OFFICER

Whenever a member discharges his firearm either accidentally or officially, he shall immediately

- *Determine the physical condition of any injured person and render first aid when appropriate*
- *Request necessary emergency medical aid*
- *Notify the telecommunications operator of the incident and location*

The officer will remain at the scene (unless himself injured) until the arrival of the appropriate investigators. However, if the circumstances are such that the continued presence of the officer at the scene might cause a more hazardous situation to develop (violent crowd), the ranking commanding officer at the scene shall have the discretion to instruct the officer to respond to another, more appropriate location.

The officer will protect his weapon for examination and submit said weapon to the appropriate investigator.

The officer shall prepare a detailed report of the incident.

The officer should not discuss the case with anyone except (1) supervisory and assigned investigative personnel, (2) the assigned District Attorney, (3) the officer's attorney, psychologist, clergy or immediate family.

The officer shall be available at all times for official interviews and statements regarding the case and shall be subject to recall to duty at any time.

TELECOMMUNICATIONS

The notified telecommunications person shall

- *Dispatch requested medical aid*
- *Notify the on-duty uniformed patrol commander*
- *Notify the officer's designated attorney*[45] *in the case of injury.*
- *Notify the chief of police in the case of injury*
- *Notify the District Attorney in the case of injury*
- *Notify the designated firearms incident investigative unit(s)*

UNIFORMED PATROL COMMANDER

The uniformed patrol commander shall:

- *Proceed immediately to the scene*
- *Secure the scene*
- *Conduct a preliminary field investigation*
- *Render command assistance to the assigned investigator(s)*
- *Assist the involved officer(s)*
- *Submit a detailed written report of the results of the investigation to (1) the chief of police, (2) the assigned investigator(s), and (3) the board of firearms review*

---

[45] See other sections of this report which discuss the advisability of providing legal, psychological, and religious services for the officer and his family.

In the case of a homicide, the officer shall be placed on administrative leave, without loss of pay or benefits, pending the results of the investigation.

CRIMINAL INVESTIGATION UNIT

The assigned criminal investigation unit will conduct a thorough investigation of every shooting incident which results in injury or death. A detailed report will be submitted to (1) the chief of police, (2) the District Attorney, and (3) the board of firearms review.

INTERNAL AFFAIRS UNIT

The internal affairs unit will conduct an investigation (subordinate to any criminal investigation) to determine:

- *Whether the shooting was*
  - *within policy*
  - *out of policy*
  - *accidental*
- *Evaluate training considerations*
  - *drawing and exhibiting firearms*
  - *firing of weapon*
  - *tactics prior to drawing and discharging*
  - *tactics during and following discharge*
- *The quality of supervision prior to, during, and after the shooting incident*

The internal affairs unit will prepare a detailed report of findings for (1) the chief of police and (2) the Use of Deadly Force Review Board.

USE OF DEADLY FORCE REVIEW BOARD

The Use of Deadly Force Review Board shall convene and review circumstances attendant to each discharge of a firearm by a department member.

The board shall consist of:

- *An assistant chief (board chairman)*
- *The commanding officer of the patrol unit*
- *The commanding officer of the training unit*
- *The command officer of the officer who discharged the weapon*
- *Two members of the same rank as the member who discharged his weapon*
- *One at-large community representative selected by _____________ (local option) with the consent of the chief of police*[46]

The Use of Deadly Force Review Board will evaluate, in explicit and fact-finding fashion, each aspect of an officer-involved shooting. Such evaluation will include:

- *A thorough review of the criminal investigation report*
- *A thorough review of the internal affairs report*
- *Hearing of direct testimony, if necessary, from officers and witnesses*

The Use of Deadly Force Review Board will develop findings and make recommendations to the chief of police in the following areas:

- *Whether the shooting was within policy, out of policy, or accidental*
- *Tactical considerations*
- *Training considerations*
- *Quality of supervision*

---

[46] The composition and size of the board may vary depending on the size of the agency.

- *Discipline considerations*
- *The post-shooting investigative processes and quality*

Conclusion

This report and especially the "model" guidelines should not be viewed as a final product to resolving the complex issues associated with police use of deadly force. The report, more appropriately, should be seen as a beginning or a point of departure. Researchers should grasp these fragments of knowledge regarding deadly force by the police, discuss the findings, refine and expand the research, and continue to look for that magic answer that may have escaped from our findings.

Each police administrator must promulgate or update use of deadly force directives. The administrator should use the collective research findings of this and other pertinent publications as a framework to development of such a directive. Critical deadly force policy decisions are not easily made, nor is the ultimate on-street decision to shoot an easy one for the police officer. The consequences of either decision are far-reaching. It is, however, far better that most of the decision considerations be critically analyzed from within the calm, rational atmosphere of the administrator's office, rather than from the more explosive, often irrational, and unpredictable "office" (the street) of the police officer.

APPENDIX A

SUPPLEMENTAL HOMICIDE REPORT

AND

REPORT OF LAW ENFORCEMENT OFFICERS KILLED OR ASSAULTED

LAW ENFORCEMENT OFFICERS KILLED OR ASSAULTED

The form entitled "Law Enforcement Officers Killed or Assaulted" is a form your agency should submit each month that your agency has an officer killed feloniously, die accidentally, or assaulted. If you have counted killings or assaults of officers of your department on the Return A submit this form to provide additional information regarding this attack on your officers.

Officers Assaulted (Do not include officers killed) - See other side for instructions.

		Type of Weapon				Type of Assignment							
							One-Man Vehicle		Detective or Special Assign.		Other		
Type of Activity	Total Assaults by Weapon A	Firearm B	Knife or Other Cutting Instrument C	Other Dangerous Weapon D	Hands, Fists, Feet, etc. E	Two-Man Vehicle F	Alone G	Assisted H	Alone I	Assisted J	Alone K	Assisted L	Police Assaults Cleared M
1. Responding to "Disturbance" calls (family quarrels, man with gun, etc.)													
2. Burglaries in progress or pursuing burglary suspects													
3. Robberies in progress or pursuing robbery suspects													
4. Attempting other arrests													
5. Civil disorder (riot, mass disobedience).......													
6. Handling, transporting, custody of prisoners...													
7. Investigating suspicious persons or circumstances													
8. Ambush - no warning ..													
9. Mentally deranged													
10. Traffic pursuits and stops..........													
11. All other													
12. **TOTAL (1-11)**													
13. Number with personal injury ..													
14. Number without personal injury.													

15. Time of assaults .... AM						
PM						

12:01 2:00 4:00 6:00 8:00 10:00 12:00

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	Initials
Recorded	
Edited	
Punched	
Verified	
Adjusted	

Month and Year

Agency Identifier

Prepared by

Title

Agency

State

Chief, Sheriff, Commissioner, Superintendent

4-220 (6-22-
Form Approveu
Budget Bureau No. 43-R0002

SUPPLEMENTARY HOMICIDE REPORT

In view of the importance of the homicide classification in crime reporting, **it is requested that the following supplementary report be** filled in and transmitted with monthly Return A to: Uniform Crime Reports, Federal **Bureau of Investigation**, U. S. Department of Justice, Washington, D. C. 20535.

1a. Murder and Nonnegligent Manslaughter

List below specific information for all offenses shown in item 1a of the monthly Return A. **In addition**, list all justifiable killings of felons by a citizen or by a peace officer in the line of duty.

	Situation*	Victim **			Offender **			Data Code			Weapon Used (Handgun, Rifle, Shotgun, Club, Poison, etc.)	Relationship of Victim to Offender (Husband, Wife, Son, Father, Acquaintance, Neighbor, Stranger, etc.)	Circumstances (Victim shot by robber, robbery victim shot robber, killed by patron during barroom brawl, etc.)
		Age	Sex	Race	Age	Sex	Race	Do Not Write In These Spaces					
Data	18	19	21	[illegible]	23	[illegible]	[illegible]	27	29	31-33			

*
** - See reverse side for explanation

Month and Year ______ Agency Identifier ______ Prepared By ______ Title ______

Agency ______ State ______ Chief, Sheriff, Commissioner, Superintendent ______

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Verified	
Adjusted	

FBI/DOJ

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SUPPLEMENTARY HOMICIDE REPORT (Continued)

Ib. Manslaughter by Negligence

Do not list traffic fatalities, accidental deaths, or death due to the negligence of the victim. List below all other negligent manslaughters, regardless of prosecutive action taken.

Data	Situation*	Victim **			Offender **			Data Code			Weapon Used (Handgun, Rifle, Shotgun Knife, etc.)	Relationship of Victim to Offender (Husband, Wife, Son, Father, Acquaintance, Neighbor, Stranger, etc.)	Circumstances (Victim shot in hunting accident, guncleaning, children playing with gun, etc.)
		Age	Sex	Race	Age	Sex	Race	Do Not Write In These Spaces					
	18	19	21	22	23	25	26	27	29	31-33			

*** - Situations**
A - Single Victim/Single Offender
B - Single Victim/Unknown Offender or Offenders
C - Single Victim/Multiple Offenders
D - Multiple Victims/Single Offender
E - Multiple Victims/Multiple Offenders
F - Multiple Victims/Unknown Offender or Offenders

Use only one victim/offender situation code per set of information. The utilization of a new code will signify the beginning of a new murder situation.

**** Age** - 01 to 99. If 100 or older use 99. New born up to one week old use NB. If over one week, but less than one year old use BB. Use two characters only in age columns.

Sex - **M** for Male and **F** for Female. Use one character only.

Race - White - **W**, Negro - **N**, American Indian - **I**, Chinese - **C**, Japanese - **J**, Other - **O**, Unknown - **U**. Use only these as race designations.

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APPENDIX B

LETTERS TO CHIEFS OF POLICE

International Association of Chiefs of Police, Inc.
Eleven Firstfield Road
Gaithersburg, Maryland 20760
Phone (301) 948-0922
Cable Address IACPOLICE

President
Joseph S. Dominelli
Rotterdam, NY

Immediate Past President
Wilson E. Speir
Austin, TX

First Vice President
William F. Quinn
Newton, MA

Second Vice President
James P. Damos
University City, MO

Third Vice President
Leo F. Callahan
Fort Lauderdale, FL

Fourth Vice President
Howard L. Runyon, Sr.
Passaic Township
Stirling, NJ

Fifth Vice President
Thomas J. Sardino
Syracuse, NY

Sixth Vice President
John J. Norton
Foster City, CA

Treasurer
James C. Crawford
St. Paul, MN

Division of State and
Provincial Police
General Chairman
Robert W. Landon
Olympia, WA

Division of State
Associations of
Chiefs of Police
General Chairman
Willie Bauer
Beaumont, TX

Past President and
Parliamentarian
Francis B. Looney
Farmingdale, NY

Norman Darwick
Executive Director

The authority given the police to use deadly force is unparaleled in American society. Consequently, this authority is the subject of controversy in many segments of our communities. This authority and power are of grave concern to police administrators, and to every police officer who may someday face the decision of using deadly force.

Recognizing the far-reaching implications of the police use of deadly force, the International Association of Chiefs of Police (IACP) has undertaken a study of the "Use of Deadly Force by the Police." The IACP will collect and analyze data from the nation's 57 largest police agencies. Data concerning crime in the community; assaults on and deaths of police officers; and police training, policy, personnel practices, equipment, and organizational components will be analyzed with regard to the incidence of use of force in an effort to identify possible correlations. From this effort we intend to develop recommendations for improving the police service.

Other organizations are also conducting research (independent of the IACP) concerning the police use of deadly force. Specifically, those organizations and their "research" designs include:

(1) National Urban League will examine the influence of social, community, and police department variables upon the rate of deadly force. They will attempt to discover those variables which are of different predictive value for Whites and for Blacks.

(2) National Council of La Raza will be analyzing the phenomenon of police use of deadly force in Hispanic communities.

(3) University of California/Irvine will primarily focus on the philosophical, legal, psychological, sociological and administrative areas of police use of deadly force.

(4) National Association for the Advancement of Colored People/ Police Foundation will work together in "a department-by-department analysis of the policies and practices governing the police use of their weapons. Where such policies and practices are deemed deficient, inadequate, inappropriate and directly responsible for unnecessary police shootings they will be exposed."

We solicit your assistance in this highly important research project by asking that the attached questionnaire be completed with the utmost diligence and returned to IACP promptly. Recognizing the comprehensiveness of the questionnaire and the demands of your office, we suggest that you consider assigning to a key staff member the responsibility of responding to the items in this survey form. In instances where we might need clarification of a response, follow-up contact by the IACP project director would be with this person.

There is an urgent need for the Association to obtain information which will be a valid reflection of the police perspective on the use of deadly force. Your cooperation in this endeavor will be greatly appreciated by us and by the law enforcement profession in general.

Sincerely,

Norman Darwick

Norman Darwick
Executive Director

Enclosure

International Association of Chiefs of Police, Inc.
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Third Vice President
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Passaic Township
Stirling NJ

Fourth Vice President
Thomas J Sardino
Syracuse NY

Fifth Vice President
John J Norton
Foster City CA

Sixth Vice President
Robert W Landon
Olympia WA

Treasurer
Thomas C Durrett
Beckley WV

Division of State and
Provincial Police
General Chairman
Grover W Garrison
Baton Rouge LA

Division of State
Associations of
Chiefs of Police
General Chairman
Wayne D Shepherd
Salt Lake City UT

Past President and
Parliamentarian
Francis B Looney
Farmingdale NY

February 23, 1981

Dear Chief

There is an urgent need for the International Association of Chiefs of Police to obtain information which will be a valid reflection of the police perspective on the use of deadly force by the police.

In this regard, the Association in July 1980 requested your assistance in completing a use of deadly force "Research Project Survey." In October, the survey was again mailed to your office. Apparently the survey did not reach your office. Therefore, we are again requesting your assistance in completing the enclosed survey instrument.

Your cooperation in this endeavor will be greatly appreciated by us and by the members of the law enforcement profession.

Sincerely,

Norman Darwick
Executive Director

Enclosure

BEST AVAILABLE COPY

International Association of Chiefs of Police, Inc.
Eleven Firstfield Road
Gaithersburg, Maryland 20760
Phone (301) 948-0922
Cable Address IACPOLICE

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Newton, MA

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Farmingdale, NY

Norman Darwick
Executive Director

On behalf of the Association and the entire law enforcement community, I would like to thank you for responding to our comprehensive survey regarding "Police Use of Deadly Force." As a result of your assistance, our research on this very important issue is progressing on schedule. We expect to submit preliminary drafts of the research findings in July of 1981.

One of our findings thus far, is that there are some discrepancies regarding the number of deaths by police officers as reported to the FBI Uniform Crime Reports and the number reported to the IACP via our survey instrument.

Specifically, your reports reflect the following discrepancies:

	1975	1976	1977	1978	1979
UCR					
IACP					

We would place ourselves in a much more positive light if we could explain these differences. A timely response is critical to our research analysis.

Thank you once again for your assistance.

Sincerely,

Norman Darwick
Executive Director

APPENDIX C

SURVEY OF 57 POLICE AGENCIES

ISSUES RELATED TO POLICE USE OF DEADLY FORCE

USE OF DEADLY FORCE

BY POLICE OFFICERS

A RESEARCH PROJECT SURVEY

REQUESTED BY

THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

JULY 1980

This survey instrument is a major data collection component of a nationwide study by the International Association of Chiefs of Police of the Use of Deadly Force by Police Officers. There is an urgent need for the law enforcement profession to obtain information which will present a valid reflection of the police perspective on the Use of Deadly Force. From this effort we intend to develop recommendations for improving police performance. The formulation of any recommendations based on the project results will take into consideration deaths and injuries of both citizens and police officers.

Agency: ____

Name and rank of person completing form: ______________________

Telephone: ( ) ______________________________ Extension ________

Mailing address: ______________________________________

______________________________ Zip Code ________

INSTRUCTIONS FOR COMPLETING QUESTIONNAIRE

Please complete every question. Use the following standard format:

Mark an X on one or more lines provided /X/

Write a number on a line (5)

Print a short descriptive answer (model 72981 ABC Manufacturing)

When you are unable to respond to a question, use one of the following:

NA	Not applicable to your agency
UN	Unavailable. Information requested is unavailable because records containing it are privileged.
NREC	Not recorded. Information requested is not recorded or capable of being compiled from records in order to answer the question.

NOTE: Do not guess, a NA, UN, or NREC is considered a better response than a guess estimate.

IACP - PROJECT DIRECTOR

Kenneth J. Matulia
International Association of Chiefs of Police
Eleven Firstfield Road
Gaithersburg, Maryland 20760
301/948-0922

"Deadly Force" as used throughout this survey instrument is intended to mean: any force which is intended to cause death or serious injury or which creates some specified degree of risk of death or serious injury.

DEPARTMENTAL POLICY

Written Documents: Please furnish a copy of all current departmental orders, policies, procedures and/or rules which relate to the "police use of deadly force."

Examples:

a. Policies covering situations in which members of the department may use deadly force

b. The department use of deadly force review process

c. The procedures for the investigation of the "use of deadly force"

d. Discipline procedures for the violation of use of force policy

e. Procedure of accounting for shots fired by officers

f. Policy relative to drawing and/or displaying a weapon

g. Positive award for lifesaving justifiable homicides

h. The use of handcuffs

i. The transportation of prisoners

j. The use of nightstick, baton, sap, blackjack, or other potentially deadly weapon

k. Field supervisor and management response to shooting incidents

l. Descriptions of training programs in the use of deadly force

The above list of examples is not meant to be all-inclusive, therefore, please feel free to forward any other policy statements that you feel might be helpful to our research effort.

PERSONNEL

1. *Indicate every change of police chief executive that occurred in your department in the past five years:*

1979 Month _______

1978 Month _______

1977 Month _______

1976 Month _______

1975 Month _______

2. _______ *What is the number of sworn officers in your department?*

_______ *What is the number of first line (sergeants) sworn patrol supervisors in your department?*

3. *What is the department education requirement for police recruits?*

- ☐ G.E.D.
- ☐ High school graduate
- ☐ 1 year college
- ☐ 2 years college
- ☐ 3 years college
- ☐ 4 years college
- ☐ No specific education requirement

4. *What was the average years of education completed by sworn officers in your department?*

_______ 1979 Example: 12 = High School Graduation

_______ 1978 13 = one year college

_______ 1977 14 = two years college

_______ 1976 15 = three years college

_______ 1975 16 = four years college

PERSONNEL

5. *What was the average age of sworn nonsupervisory officers in your department?*

_____ 1979

_____ 1978

_____ 1977

_____ 1976

_____ 1975

6. *Is a psychological or psychiatric evaluation conducted on all pre-service officers?*

☐ Yes

☐ No

If yes, please identify specific tests: (e.g., Rorschach, MMPI, etc.)

6A. *Written:* ______________________________

____

6B. *Oral:* ______________________________

____

OFF DUTY EMPLOYMENT

7. *What is the department policy regarding off-duty employment by sworn officers?*

☐ No off duty employment permitted

☐ No restrictions on off duty employment

☐ Hours per week restricted

☐ Wearing of police uniform prohibited

☐ Carrying firearm prohibited

☐ Security type employment prohibited

8. *Month* ___________ *and year* _______ *the above policy was implemented.*

9. *Who provides on-site supervision for officers employed off-duty in a security capacity:*

☐ Watch commander

☐ Special Unit

☐ No departmental supervision

☐ Other: Identify ____

USE OF FORCE INCIDENTS

10. Does your agency maintain a record of all police firearm discharges?

☐ Yes: Explain ______________________________

____

☐ No

How many actual incidents in which police firearms were discharged in confrontations with other persons. Do not count incidents involving animals and training exercises. Please include off-duty and out-of-city incidents. Include all warning shots and accidental discharges. Count each incident as one (1) even though multiple shots may have been fired at a single incident scene.

Code:
D = Incidents resulting in one or more deaths
I = Incidents resulting in injury only
N = Incidents with no injury or death

	1979			1978			1977			1976			1975		
	D	I	N	D	I	N	D	I	N	D	I	N	D	I	N
Jan.															
Feb.															
March															
April															
May															
June															
July															
Aug.															
Sept.															
Oct.															
Nov.															
Dec.															

USE OF FORCE INCIDENTS

11. *Of the total "use of deadly force" deaths by members of your department, what number occurred when the officer was:*

On Duty	Off Duty	
___	___	1979
___	___	1978
___	___	1977
___	___	1976
___	___	1975

12. *Of the total "use of deadly force" deaths, what number involved each of the following department organizational units? (On Duty Officers Only)*

1979	1978	1977	1976	1975	
___	___	___	___	___	Patrol Unit
___	___	___	___	___	Criminal Investigation Unit
___	___	___	___	___	*SWAT Unit
___	___	___	___	___	**Stake out Unit
___	___	___	___	___	Narcotic/Drug Unit
___	___	___	___	___	Hostage Negotiation Unit
___	___	___	___	___	***Decoy Unit
___	___	___	___	___	Other Unit (please identify) ___________________

**This unit might have various names, including Emergency Service Squad, Tactical Operations Unit, Special Operations Group, and Special Weapons and Tactics Team, but they all have the same primary goal—to protect lives and property during confrontations with armed, fortified criminals.*

***This unit might have various names, but is characterized by personnel assignment inside of establishments which have been earmarked for robbery or burglary.*

****This unit might have various names, but is characterized by officers dressing and placing themselves in similar situations of street crime victims with back up officers prepared to make on scene arrests.*

DISPOSITION OF DEADLY FORCE INCIDENTS

13. *Has any member of the department been indicted by a federal, state, or local criminal court; or been made to pay retribution in civil court regarding the "use of deadly force?"*

☐ Yes: Month ____________ Year ____________

____________ ____________

☐ No ____________ ____________

____________ ____________

____________ ____________

14. *What has been the department's administrative dispositions in cases where officers have used deadly force? Please indicate total numbers.*

	1979	1978	1977	1976	1975
Within Department Guidelines					
Retraining Administered					
Disciplinary Action Taken					
Criminal Charges Filed					
Psychological Counselling Administered					
Alcoholic Counselling Administered					
Other Counselling (Identify)					
Total Administered Dispositions					

15. *Is the department under a labor union or employee association contract or guideline?*

☐ Yes

☐ No

16. *If the above answer is yes, has the department been subjected to a labor strike or other type of employee job action:*

☐ Yes: Month ________ Year _______ of job action

☐ No

17. *Has the union/association addressed the issue of firearms use?*

☐ Yes: If yes, send appropriate section of agreement or statement of understanding

☐ No

TRAINING

18. *When do newly-appointed sworn personnel attend basic recruit training?*

☐ Immediately upon appointment

☐ As soon as possible after appointment but before street assignment

☐ Within one year after appointment

19. *Do your training standards exceed state mandated standards?*

☐ Yes: _______ state mandated hours; versus department

☐ No required hours ____________

20. *Does your department operate its own training academy for entry-level sworn personnel?*

☐ Yes

☐ No

21. *Does the department have a mandatory physical fitness program?*

Pre-service Officers		In-service Officers	
☐	Yes	☐	If yes: Explain ______________________
☐	No	☐	______________________

22. *Does the department have a physical combat skills training program?*

Pre-service Officers		In-service Officers	
☐	Yes	☐	_____ Hours pre service
☐	No	☐	_____ Hours annually in service

23. *Does the department provide Crisis Intervention Training?*

Pre-service Officers		In-service Officers
☐	Yes	☐
☐	No	☐

If yes:

23A. Month __________ Year ________ training implemented

23B. _________ Hours pre service

23C. _________ Hours annually in service

FIREARMS TRAINING

24. *Who conducts the firearms training program for your department?*

☐ FBI
☐ State
☐ Region
☐ Department
☐ Other: Explain ______________________________
____

25. ____________ *How many times per year must an in-service officer qualify with his service weapon?*

26. *How many total hours of annual firearms training is devoted to:*

Pre-service Officers	In-service Officers	
___	___	Legal aspects of deadly force
___	___	Ethical/moral aspects of deadly force
___	___	Policy aspects of deadly force
___	___	Actual shooting on range

27. *What type of firearms training is given to:*

Pre-service Officers	In-service Officers	
☐	☐	Practical pistol course
☐	☐	Double action course
☐	☐	Close combat course
☐	☐	Position shooting course
☐	☐	Tactical course
☐	☐	Exertion course
☐	☐	Stress course
☐	☐	Other ______________________________
☐	☐	Shooting Simulator: Identify type _____ ______________________________

FIREARMS TRAINING

28. *With which weapons must officers qualify:*

Pre-service Officers	In-service Officers	
☐	☐	Duty weapon
☐	☐	Off-duty weapon
☐	☐	Shotgun
☐	☐	Rifle
☐	☐	Teargas gun
☐	☐	Other: Identify ____________________

29. *What is the department policy relative to officers who, after remedial training, ultimately fail to qualify with their duty weapon?*

Pre-service Officers	In-service Officers	
☐	☐	No qualifying standard
☐	☐	Suspension
☐	☐	Dismissal
☐	☐	Desk assignment
☐	☐	Other ____________________

30. *Indicate the number of suspensions, dismissals, or change of assignments as a result of failing to qualify.*

1979	1978	1977	1976	1975	
____	____	____	____	____	Dismissal
____	____	____	____	____	Suspension
____	____	____	____	____	Assignment without weapon

FIREARMS

31. *What incentives does the department provide to encourage firearm marksmanship?*

☐ None
☐ Written commendation
☐ Medal award
☐ Salary incentive
☐ Other (describe) ______________________________

32. *What is the current handgun carried by on-duty officers?*

Uniformed Officers		Non-Uniformed Officers
____________	Manufacturer	____________________
____________	Model	____________________
____________	Calibre	____________________
____________	Barrel Length	____________________

33. *Who is responsible for the purchase of the on-duty weapon?*

☐ Department
☐ Individual Officer

34. *What is the current duty ammunition issued by the Department?*

________________ Calibre
________________ Grain Weight
________________ Type Point

35. *What is the citizen firearm registration law in your jurisdiction?*

Handguns	Rifles	
☐	☐	State law only
☐	☐	More restrictive local law: Explain __________
		______________________________

35A. Month _________ Year _____ current most restrictive local law enacted

OFF DUTY/BACK-UP WEAPONS

36. *What is the department policy concerning carrying weapons off duty?*

☐ Mandatory in city only
☐ Mandatory at all times
☐ Optional in city
☐ Optional at all times
☐ Prohibited in city
☐ Prohibited at all times

36A Month __________ Year _________ policy implemented?

37. *Is there a "regulation" off-duty weapon?*

☐ Yes: Type ____________ Calibre ____________
☐ No

38. *What is the Department policy concerning carrying a second or "back-up" weapon while on duty? (Please send policy.)*

☐ Permitted
☐ Not permitted
Month ____________ Year ____________ policy implemented?

39. *Must an Officer register his off-duty or back-up weapon with the department? (Please send policy.)*

☐ Yes: Month _______ Year _______ policy implemented?
☐ No

WEAPONS

40. *In addition to the service weapon, what other weapons are issued or daily assigned to patrol officers?*

☐ Chemical agent
☐ Baton
☐ Shotgun
☐ Other (describe) ______________________________
____

41. *Does the department utilize any nonlethal weapons?*

☐ Yes: _______ Month _______ Year adopted for use
☐ No
If yes, describe: ______________________________
____

EQUIPMENT

42. What duty holster(s) are authorized for use by officers?

☐ Thumb strap - no trigger guard
☐ Thumb strap - with trigger safety guard
☐ Upward draw - no safety strap
☐ Upward draw - with safety strap
☐ Flap guard with snaplock
☐ Breakfront
☐ Other (describe) ______________________________

43. Has the department adopted "soft body armor" for use by uniformed patrol officers? Disregard who actually purchased such armor.

☐ Yes
☐ No

If yes:

__________ Year armor first adopted

__________ Month armor first adopted

__________________ Manufacturer of armor

__________________ Model of armor

44. Is armor mandatory for daily wear?

☐ Yes
☐ No

45. *Who by policy must respond to the scene of an incident in which an officer has used deadly force (injury or death).*

☐ First Line Supervisor

☐ Shift/Watch Commander

PLEASE

☐ Patrol Division Commander

SEND

☐ Internal Affairs Unit

POLICY

☐ Police Chief/Executive

☐ Mayor/Manager

☐ District Attorney/Magistrate/States Attorney

☐ Other ______________________________

46. *Who reviews police use of deadly force (injury or death) incidents?*

☐ Command Staff

☐ Internal Affairs Unit

☐ Police Chief/Executive

☐ Mayor/Manager

☐ Department Review Board

☐ Civilian Review Board

☐ District Attorney/Magistrate/States Attorney

☐ Police Union/Association

☐ Other ______________________________

47. *Who in your jurisdiction is directly involved in the decision to pursue criminal charges against a police officer involved in a "use of deadly force" incident?*

☐ Mayor/Manager
☐ Police Chief Executive
☐ Departmental Review Board
☐ Citizen Review Board
☐ Department Command Staff
☐ Police Union/Association
☐ District Attorney/Magistrate/State's Attorney
☐ State Investigative Unit ____________________
☐ FBI
☐ Other ____________________

48. *Immediately after an officer has been involved in a use of deadly force incident, is he:*

☐ Permitted to remain on regular assignment
☐ Reassigned to another geographical area
☐ Reassigned to another department unit
☐ Placed on administrative leave
☐ Other ____________________

49. *Does the Department provide professional psychological services to officers who have been involved in a shooting incident?*

☐ Yes
☐ No

49A ☐ Yes ☐ No: Is attendance mandatory?

SWAT UNIT

50. *Does your department presently have a SWAT Unit?*[*]

☐ No unit

☐ Permanent department unit

☐ Call-up department unit

☐ Permanent regional unit

☐ Call-up regional unit

51. *If no present SWAT Unit, has the department discontinued such unit in the past 10 years?*

☐ Yes: Year __________ Month ______________

☐ No

If the department presently has or utilizes the services of a SWAT Unit, please complete questions 52 through 56.

52. __________ *number of sworn officers in the SWAT Unit*

__________ *year unit formed*

__________ *month unit formed*

53. *Does your department have a policy/procedure relative to the uce and management of the SWAT Unit?*

☐ Yes (If yes, please forward copy)

☐ No

---

[*] This unit regardless of name is characterized by its primary goal—to protect lives and property during confrontations with armed, fortified criminals.

54. *Which of the following standards are included in the personnel selection process for the SWAT Unit members?*

☐ Years of police service
☐ Physical evaluation
☐ Psychological evaluation
☐ Age
☐ Firearms proficiency
☐ Speciality qualification

PLEASE FORWARD WRITTEN STANDARD

55. *Which of the following weapons are used by the SWAT Unit?*

☐ High-powered rifle
☐ Automatic (machine gun)
☐ Shotgun
☐ Semi-automatic handgun
☐ Service revolver
☐ Smoke grenade
☐ Magnums (357 ___ 41 ___ 44 ___)
☐ Stun Gun
☐ Other ______________________________

56. *Who provides special training to SWAT Unit members?*

☐ FBI
☐ State
☐ Department
☐ Other/explain: ______________________________
___ Number of initial training hours
___ Hours per year after initial training

57. *Does your agency have a stake-out unit?**

☐ No unit
☐ Permanent department unit
☐ Call-up department unit
☐ Permanent regional unit
☐ Call-up regional unit

Month ___________ Year _______ Unit formed

58. *If no present unit, has the department discontinued such a unit in the past 10 years?*

☐ Yes: Year _______ Month ___________
☐ No

If the department has or utilizes the services of a stake-out unit, please complete questions 59 through 61.

59. *Does the department have a policy/procedure relative to the utilization and management of the unit?*

☐ Yes (Please forward copy)
☐ No

---

*This unit regardless of name, is characterized by its primary goal—to assign personnel inside of establishments which have been earmarked for robbery or burglary attack.

STAKE OUT UNIT

60. Which of the following standards are included in the personnel selection process for stake-out unit members?

- ☐ Years of police service
- ☐ Physical evaluation
- ☐ Psychological evaluation
- ☐ Age
- ☐ Firearms qualification
- ☐ Other speciality qualification

PLEASE
FORWARD
WRITTEN
STANDARD

61. Which of the following weapons are used by the stake-out unit?

- ☐ High-powered rifle
- ☐ Automatic (machine gun)
- ☐ Shotgun
- ☐ Semi-automatic handgun
- ☐ Service revolver
- ☐ Smoke grenade
- ☐ Magnums (357 ____ 41____44____)
- ☐ Stun-gun
- ☐ Other ______________________________

HOSTAGE NEGOTIATION UNIT

62. *Does your department have a "Hostage Negotiation Unit?"*

☐ No unit

☐ Permanent unit

☐ Call-up unit

___ Number of sworn officers in the hostage unit

___ Year unit formed

___ Month unit formed

If the department presently has or utilizes the services of a Hostage Negotiation Unit, please complete questions 63 through 65

63. *Does your department have a policy/procedure relative to the use and management of the Hostage Negotiation Unit?*

☐ Yes (If yes, please forward copy).

☐ No

64. *Which of the following factors are considered in the personnel selection process for the Hostage Negotiation Unit?*

☐ Years of police service

☐ Psychological evaluation

☐ Age

☐ Rank

☐ Other ______________________________

PLEASE FORWARD WRITTEN STANDARD

HOSTAGE/SURVIVAL

65. *Are the principles of hostage negotiation taught to other department members?*

Pre-service Officers		In-service Officers
☐	Yes	☐
☐	No	☐

_______ Year ___________ Month training started

_______ Year ___________ Month training completed

66. *Does the department have an "Officer Survival Course" which deals with field survival techniques under ambush situations? To whom is it taught?*

Pre-service Officers		In-service Officers
☐	Yes	☐
☐	No	☐

DECOY UNIT

67. *Does your department presently have a decoy unit?**

☐ No unit

☐ Permanent department unit

☐ Call up department unit

☐ Permanent regional unit

☐ Call up regional unit

68. *If no present decoy unit, has the department discontinued such a unit in the past 10 years?*

☐ Yes: Month ________ Year ______

☐ No

If the department presently has or utilizes the services of a decoy unit, please complete questions 69 through 71.

69. ________ *number of sworn officers in the Decoy Unit*

________ *year unit formed*

________ *month unit formed.*

---

*This unit regardless of name is characterized by officers dressing and placing themselves in similar situations of street crime victims with back up officers prepared to make on scene arrests.

70. *Does the department have a policy/procedure relative to the utilization and management of the Decoy Unit?*

☐ Yes: Please forward copy

☐ No

71. *Which of the following standards are included in the personnel selection process for decoy unit members?*

☐ sworn officer status

☐ years of police service

☐ psychological evaluation

☐ seniority/age

☐ Other ______________________________

Please remember to forward all pertinent policy and/or procedural statements.

THANK YOU !

APPENDIX D

POPULATION BY JURISDICTION

TABLE D-1

POPULATION BY JURISDICTION*
1970, 1975-1980

Jurisdiction	1970[1]	1975[2]	1976[3]	1977[1]	1978[2]	1979[4]	1980[1]
Akron	275	252	248	244	252	245	237
Albuquerque	244	279	285	291	292	302	332
Atlanta	495	436	427	417	456	423	425
Austin	259	301	312	323	332	338	345
Baltimore	906	852	828	804	782	791	787
Birmingham	314	276	279	282	310	288	284
Boston	641	637	628	618	616	600	563
Buffalo	463	407	399	390	392	384	358
Charlotte	287	281	289	296	309	301	314
Chicago	3,369	3,099	3,081	3,063	3,087	3,061	3,005
Cincinnati	454	413	408	403	405	405	385
Cleveland	751	639	624	609	615	601	574
Columbus	540	536	534	532	578	534	565
Dallas	849	813	829	845	872	882	904
Denver	515	485	480	475	486	486	491
Detroit	1,514	1,335	1,313	1,290	1,294	1,259	1,203
El Paso	322	386	391	395	399	413	425
Fort Worth	393	358	363	368	376	385	385
Honolulu	631	705	712	718	725	734	N/A
Houston	1,311	1,327	1,441	1,555	1,486	1,620	1,594
Indianapolis	730	715	710	705	713	714	701
Jacksonville	504	535	532	528	523	546	541
Kansas City	507	473	466	459	464	463	448
Long Beach	361	336	336	337	344	349	361
Los Angeles	2,812	2,727	2,744	2,761	2,788	2,863	2,967
Louisville	362	336	330	323	348	328	298
Memphis	657	661	665	668	683	682	646
Miami	335	365	356	347	330	363	347
Milwaukee	717	666	660	653	624	645	636
Minneapolis	434	378	369	360	378	364	371
Nashville	426	423	426	429	423	444	456
Newark	382	340	332	324	326	316	329
New Orleans	593	560	563	561	559	568	557
New York	7,896	7,482	7,390	7,298	7,242	7,109	7,071
Norfolk	308	287	285	282	276	283	267
Oakland	362	331	331	332	328	345	339
Oklahoma City	368	366	369	372	381	381	403
Omaha	358	371	369	366	371	370	312
Philadelphia	1,950	1,816	1,797	1,778	1,886	1,757	1,688
Phoenix	589	665	675	685	697	718	765
Pittsburgh	520	459	451	442	479	439	424
Portland	382	357	371	384	362	407	366
Rochester	295	267	262	256	257	252	242
Sacramento	257	261	263	265	261	274	276
St. Louis	622	525	522	518	525	505	453
St. Paul	310	280	273	266	280	269	270
San Antonio	709	773	783	793	817	829	785
San Diego	697	774	787	800	797	829	876
San Francisco	716	665	660	655	659	659	679
San Jose	461	556	570	583	588	605	637
Seattle	531	487	488	489	490	522	494
Tampa	278	280	273	265	263	277	272
Toledo	383	368	364	359	368	360	355
Tucson	267	296	299	301	309	316	331
Tulsa	330	332	333	334	356	343	361
Washington	757	712	699	685	674	656	638
Wichita	277	265	267	268	261	274	279

*Expressed in units of 1,000

Source:
[1] U.S. Bureau of Census
[2] Municipal Yearbook
[3] Estimated, IACP
[4] FBI Uniform Crime Reports

APPENDIX E

NUMBER OF SWORN POLICE OFFICERS

TABLE E-1

NUMBER OF SWORN POLICE OFFICERS
1970-1979

Agency	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979
Akron	480	523	504	484	474	500	468	486	477	455
Albuquerque	370	377	389	447	486	509	496	491	465	472
Atlanta	950	1,166	1,243	1,458	1,586	1,415	1,251	1,225	1,118	1,116
Austin	326	314	453	446	462	446	444	442	460	519
Baltimore	NR	3,424	3,524	3,571	3,527	3,377	3,455	3,410	3,337	3,171
Birmingham	544	575	598	637	652	644	619	679	702	684
Boston	2,798	2,720	2,687	2,565	2,498	2,425	2,301	2,166	2,102	2,187
Buffalo	1,430	1,405	1,364	1,359	1,327	1,288	1,181	1,092	1,093	1,107
Charlotte	457	495	506	532	539	552	565	596	578	595
Chicago	12,961	13,172	13,125	13,415	13,266	13,039	13,039	13,314	13,020	13,293
Cincinnati	939	998	1,087	1,125	1,148	1,169	1,111	977	888	945
Cleveland	2,464	2,294	2,299	2,437	2,345	2,211	2,031	2,095	1,906	1,864
Columbus	897	1,005	1,051	1,106	1,145	1,145	1,080	1,087	883	914
Dallas	1,635	1,797	1,875	1,929	1,939	1,968	2,014	2,004	1,997	2,031
Denver	1,166	1,205	1,223	1,297	1,362	1,382	1,359	1,384	1,390	1,403
Detroit	5,159	5,438	5,555	5,575	5,371	5,404	5,016	5,703	5,688	5,006
El Paso	392	467	495	566	572	601	597	664	673	680
Fort Worth	650	646	656	656	683	686	681	671	684	677
Honolulu	909	1,184	1,480	1,403	1,366	1,496	1,506	1,471	1,472	1,475
Houston	1,794	1,960	2,077	2,184	2,332	2,598	2,737	2,817	2,988	3,012
Indianapolis	1,090	1,091	1,186	1,110	1,097	1,078	1,082	1,069	1,046	996
Jacksonville	730	732	786	770	914	935	982	979	958	955
Kansas City	998	1,205	1,304	1,310	1,280	1,246	1,221	1,226	1,192	1,192
Long Beach	700	676	665	642	661	679	637	615	591	616
Los Angeles	6,806	6,994	7,083	7,134	7,389	7,534	7,296	7,299	6,979	6,699
Louisville	750	682	697	757	780	799	729	727	716	672
Memphis	1,089	1,063	1,061	1,170	1,277	1,316	1,304	1,241	1,240	1,265
Miami	687	715	734	764	778	645	821	733	698	674
Milwaukee	2,088	2,086	2,125	2,128	2,124	2,128	2,083	2,083	2,028	2,029
Minneapolis	791	802	822	850	830	840	826	795	765	745
Nashville	593	681	732	784	863	874	NR	896	954	928
Newark	1,445	1,471	1,266	1,501	1,603	1,565	1,507	1,463	1,453	1,198
New Orleans	1,845	1,428	1,353	1,343	1,383	1,647	1,510	1,600	1,632	1,482
New York	31,671	30,685	30,828	29,861	31,033	26,640	25,789	24,895	24,408	23,310
Norfolk	511	522	533	510	537	553	612	604	601	588
Oakland	706	726	699	722	682	697	678	656	642	621
Oklahoma City	554	598	577	621	629	598	620	672	693	707
Omaha	525	558	560	575	588	571	544	534	550	553
Philadelphia	7,780	7,556	8,183	8,026	8,245	8,085	8,154	8,188	8,209	7,903
Phoenix	943	1,052	1,184	1,297	1,342	1,527	1,559	1,532	1,888	1,597
Pittsburgh	1,739	1,661	1,588	1,551	1,465	1,411	1,398	1,416	1,400	1,366
Portland	729	739	723	714	733	720	683	693	699	653
Rochester	684	685	633	634	628	639	627	645	617	638
Sacramento	483	520	516	521	516	522	502	492	492	513
St. Louis	2,220	2,229	2,228	2,218	2,217	2,173	2,068	2,088	1,997	2,002
St. Paul	469	499	583	543	517	539	524	557	547	547
San Antonio	912	938	972	1,040	1,099	1,175	1,166	1,102	1,100	1,138
San Diego	920	982	1,070	1,014	1,110	1,070	1,067	1,082	1,193	1,306
San Francisco	1,820	1,927	NR	1,958	1,958	1,795	1,667	1,659	1,658	1,554
San Jose	538	663	629	654	687	723	771	787	787	762
Seattle	1,185	1,191	1,175	1,138	1,086	1,085	1,030	1,013	970	966
Tampa	562	668	551	598	647	571	628	612	588	582
Toledo	721	701	726	764	732	704	704	733	564	702
Tucson	338	384	432	484	496	506	510	515	538	546
Tulsa	464	489	545	568	568	612	673	639	650	677
Washington	5,055	4,947	4,951	4,937	4,597	4,583	4,340	4,166	4,078	4,034
Wichita	495	361	426	426	404	403	393	391	397	381

NR = Not Reported

Source: FBI Uniform Crime Reports

APPENDIX F

JUSTIFIABLE HOMICIDE BY THE POLICE

NOTE: The figures in Table F-1 do not match the totals of on-duty v. off-duty justifiable homicide by the police as shown in Table F-3. The figures in Table F-3 were taken directly from Question 11 of "A Research Project Survey" (Appendix C). The figures in Table F-1 were taken from questions 11 and 12, then compared with those furnished by the FBI, then again verified (see letter, Appendix B) through the respective police departments. It is felt that the figures in Table F-1 are a more accurate representation of justifiable homicides by officers in the respective departments whereas Table F-3 represents justifiable homicides committed in the respective jurisdictions (by officers from the department and other law enforcement agencies).

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Table

F-1 Justifiable Homicide by Police, 1970-1979

F-2 Justifiable Homicide by State Police/Patrol, 1975-1979

F-3 Justifiable Homicide by Police, On Duty - Off Duty, 1975-1979

TABLE F-1

JUSTIFIABLE HOMICIDE BY POLICE
1970-1979

Agency	1970*	1971*	1972*	1973*	1974*	1975	1976	1977	1978	1979	Five-Year (1975-79) Average
Akron	1	1	3	4	2	0	0	2	0	1	0.6
Albuquerque	1	0	2	1	2	1	2	0	2	0	1.0
Atlanta	7	13	8	17	11	6	4	2	4	3	3.8
Austin	0	1	0	1	2	0	1	0	1	0	0.4
Baltimore	9	18	12	7	11	16	7	6	9	5	8.6
Birmingham	3	4	3	4	0	8	7	3	3	4	5.0
Boston	0	1	5	0	0	5	0	0	1	1	1.4
Buffalo	4	4	0	1	2	0	2	1	0	2	1.0
Charlotte	1	0	0	2	1	1	1	0	0	1	0.6
Chicago	42	42	29	28	35	34	15	31	15	19	22.8
Cincinnati	2	2	1	2	2	2	0	2	2	4	2.0
Cleveland	6	11	15	7	6	9	4	6	4	9	6.4
Columbus	5	6	3	1	4	0	2	0	4	4	2.0
Dallas	10	7	12	2	8	9	4	4	9	9	7.0
Denver	3	4	4	4	4	7*	3*	1*	0*	0*	2.2
Detroit	23	44	36	28	28	28	25	19	17	17	21.2
El Paso	0	0	0	3	2	1*	1*	3*	0*	3*	1.6
Fort Worth	0	1	2	0	3	2*	0*	1*	2*	1*	1.2
Honolulu	0	0	1	0	1	0	2	1	0	1	0.8
Houston	14	13	8	21	17	17*	17*	18*	10*	20*	16.4
Indianapolis	0	0	0	0	0	7	6	5	2	1	4.2
Jacksonville	4	5	6	5	5	10*	4*	8	6	3	6.2
Kansas City	7	2	3	5	3	3	5	5	6	2	4.2
Long Beach	1	3	1	2	6	3	5	2	3	7	4.0
Los Angeles	23	29	21	14	20	30	29	31	20	14	24.8
Louisville	2	7	2	4	9	5	2	0	2	1	2.0
Memphis	10	0	5	6	6	6*	7*	1*	4*	2*	4.0
Miami	8	6	1	0	4	0*	1*	1*	1*	6*	1.8
Milwaukee	1	3	3	5	2	5*	4*	2*	0*	1*	2.4
Minneapolis	0	1	2	2	2	0*	2*	1*	0*	4*	1.4
Nashville	2	0	5	2	3	2	4	2	3	4	3.0
Newark	6	5	4	4	6	0	1	3	1	1	1.2
New Orleans	0	0	0	NR	4	18	9	7	8	18	12.0
New York	33	87	66	66	62	42	27	30	40	36	35.0
Norfolk	0	2	0	0	0	1	3	1	2	0	1.4
Oakland	0	2	1	1	2	7	2	2	3	8	4.4
Oklahoma City	0	0	0	1	0	3	3	0	3	7	3.2
Omaha	1	0	0	0	1	3	1	1	0	2	1.4
Philadelphia	19	13	12	23	29	20	11	21	18	15	17.0
Phoenix	2	1	1	2	1	5	3	5	4	1	3.6
Pittsburgh	1	2	1	0	2	1*	0*	0*	0*	2*	0.6
Portland	1	1	0	0	4	1	1	0	0	2	0.8
Rochester	1	0	0	0	1	2	1	0	0	3	1.2
Sacramento	3	2	3	0	0	0	0	0	1	0	0.2
St. Louis	7	10	10	6	11	8*	6	6	15	11	9.2
St. Paul	2	0	0	0	0	1	0	1	0	0	0.4
San Antonio	6	5	3	3	3	6	7	3	1	3	4.0
San Diego	0	2	2	2	1	0	3	5	3	8	3.8
San Francisco	4	3	3	2	2	1	4	2	2	4	2.6
San Jose	0	4	0	2	2	4	1	1	1	2	1.8
Seattle	1	5	2	5	0	4	2	2	2	1	2.2
Tampa	1	3	2	4	4	3*	2	0	1	3	1.8
Toledo	1	0	0	4	3	3	0	1	1	0	1.0
Tucson	1	0	0	0	1	1	3	3	2	2	2.2
Tulsa	0	2	2	1	4	1	1	3	3	2	2.0
Washington	10	10	8	13	11	8*	9*	6*	6	7	7.2
Wichita	2	1	1	1	1	0*	2*	1	2	2	1.4
	291	388	314	317	356	360	268	262	249	289	

Source: IACP survey of 57 U.S. cities, and
*unpublished FBI Uniform Crime Records

TABLE F-2

JUSTIFIABLE HOMICIDE BY STATE POLICE/PATROL
1975-1979

State	1975	1976	1977	1978	1979
Alaska	0	0	1	1	1
Alabama	0	1	1	1	0
Arizona	0	0	0	0	0
Arkansas	0	0	1	0	0
California	3	5	4	4	3
Colorado	NR	NR	NR	NR	NR
Connecticut	0	1	0	0	0
Delaware	NR	NR	NR	NR	NR
Florida	1	1	0	1	1
Georgia	0	1	0	0	0
Idaho	0	1	0	0	0
Illinois	0	2	3	0	1
Indiana	NR	1	2	1	2
Iowa	0	1	0	0	0
Kansas	0	0	0	0	0
Kentucky	1	1	3	4	3
Louisiana	NR	NR	NR	NR	NR
Maine	0	0	0	0	0
Maryland	2	1	1	1	2
Massachusetts	1	1	0	1	0
Michigan	0	0	0	1	3
Minnesota	0	0	0	0	0
Mississippi	NR	NR	NR	NR	NR
Missouri	0	1	1	1	0
Montana	0	0	0	0	0
Nebraska	0	1	0	0	0
Nevada	NR	NR	NR	NR	NR
New Hampshire	NR	NR	NR	NR	NR
New Jersey	2	0	0	1	1
New Mexico	NR	NR	NR	NR	NR
New York	1	0	0	2	0
North Carolina	1	0	1	1	0
North Dakota	0	0	0	0	0
Ohio	1	1	1	0	0
Oklahoma	1	0	0	2	2
Oregon	0	0	1	0	0
Pennsylvania	1	1	0	2	1
Rhode Island	0	0	0	0	0
South Carolina	NR	NR	NR	NR	NR
South Dakota	0	0	0	0	0
Tennessee	1	0	0	1	0
Texas	3	2	4	3	3
Utah	0	1	0	0	0
Vermont	NR	NR	NR	NR	NR
Virginia	0	0	1	0	0
Washington	0	0	1	0	1
West Virginia	NR	NR	NR	NR	NR
Wisconsin	0	0	0	0	0
Wyoming	0	0	0	0	0
	19	24	26	28	24

NR = Not Reported

Source: IACP Survey, 1980

TABLE F-3

JUSTIFIABLE HOMICIDE BY POLICE
ON DUTY - OFF DUTY
1975-1979

Agency	1975		1976		1977		1978		1979	
	On Duty	Off Duty	On Duty	Off Duty	On Duty	Off Duty	On Duty	Off Duty	On Duty	Off Duty
Akron	0	0	0	0	2	0	0	0	1	0
Albuquerque	1	0	2	0	0	0	2	0	0	0
Atlanta	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
Austin	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
Baltimore	16	0	7	0	5	1	9	0	5	0
Birmingham	8	0	5	0	3	0	3	1	4	0
Boston	5	0	0	0	0	0	0	1	1	0
Buffalo	0	0	1	1	0	0	0	0	2	0
Charlotte	1	0	1	0	0	0	0	0	1	0
Chicago	31	8	13	3	18	13	9	6	11	8
Cincinnati	2	0	0	0	2	0	2	0	4	0
Cleveland	8	1	3	0	3	2	4	1	5	2
Columbus	0	0	2	0	0	0	4	0	4	0
Dallas	7	2	4	0	4	0	7	2	9	0
Denver	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
Detroit	19	9	20	5	16	1	13	4	13	4
El Paso	NR	NR	NR	NR	NR	NR	NR	NR	0	0
Fort Worth	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
Honolulu	1	0	0	0	1	0	0	0	1	0
Houston	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
Indianapolis	6	0	5	0	4	1	2	0	1	0
Jacksonville	NR	NR	NR	NR	7	1	6	0	3	0
Kansas City	2	1	4	1	5	0	4	2	1	1
Long Beach	5	0	4	0	10	0	6	0	11	0
Los Angeles	NR	NR	28	1	30	1	19	1	12	2
Louisville	3	0	1	0	1	0	2	0	1	0
Memphis	NR	NR	NR	NR	NR	NR	NR	NR	2	0
Miami	47	3	41	1	37	1	27	1	19	3
Milwaukee	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
Minneapolis	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
Nashville	2	0	4	0	2	0	2	1	4	0
Newark	0	0	1	0	2	1	1	0	0	1
New Orleans	15	2	7	1	6	1	8	1	19	4
New York	33	9	23	4	27	3	31	9	31	5
Norfolk	1	0	3	0	1	0	2	0	0	0
Oakland	6	0	2	0	2	0	2	1	8	0
Oklahoma City	2	1	2	0	0	0	3	0	7	0
Omaha	3	0	1	0	1	0	0	0	2	0
Philadelphia	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
Phoenix	5	0	3	0	5	0	4	1	1	0
Pittsburgh	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
Portland	1	0	1	0	0	0	0	0	3	0
Rochester	3	0	2	0	0	0	0	1	2	0
Sacramento	0	0	0	0	0	0	1	0	0	0
St. Louis	NR	NR	6	0	6	0	13	2	9	2
St. Paul	1	0	0	0	1	0	0	0	0	0
San Antonio	NR	NR	NR	NR	3	0	1	0	1	2
San Diego	NR	NR	3	0	5	0	3	0	8	0
San Francisco	NR	NR	NR	NR	NR	NR	2	0	4	0
San Jose	1	0	1	0	1	0	0	0	3	0
Seattle	4	0	2	0	2	0	1	1	1	0
Tampa	NR	NR	2	0	0	0	1	0	3	0
Toledo	3	0	0	0	0	1	1	0	0	0
Tucson	1	0	3	0	3	0	1	1	2	0
Tulsa	1	0	1	0	3	0	3	0	2	0
Washington	NR	NR	NR	NR	NR	NR	4	2	6	1
Wichita	NR	NR	NR	NR	1	0	1	1	2	0
Subtotal	244	36	208	17	219	27	204	40	229	35
Total	280		225		246		244		264	
Percent/Year	87.1	12.9	92.4	7.6	89.0	11.0	83.6	16.4	86.7	13.3

NR = Not Reported

Source: IACP Survey, 1980

APPENDIX G

JUSTIFIABLE HOMICIDE BY CIVILIAN
AND SELECTED CRIMES
1970-1979

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Table

G-1 Justifiable Homicide by Civilian, 1970-1979

G-2 Law Enforcement Officers Murdered, 1970-1979

G-3 Robbery Offenses, 1970-1979

G-4 Total Community Murder and Nonnegligent Manslaughter, 1970-1979

G-5 Violent Crime, 1970-1979

G-6 Index Crime, 1970-1979

TABLE G-1

JUSTIFIABLE HOMICIDE BY CIVILIAN
1970-1979

Agency	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979
Akron	1	3	0	2	1	1	0	1	1	0
Albuquerque	0	0	0	0	0	0	2	0	0	0
Atlanta	10	6	4	9	17	6	11	3	6	5
Austin	2	3	0	0	0	1	0	2	4	0
Baltimore	7	9	7	8	5	14	3	0	0	2
Birmingham	9	1	1	3	3	5	11	2	1	1
Boston	1	1	2	1	0	0	4	0	0	1
Buffalo	0	1	1	1	1	1	2	1	2	1
Charlotte	0	0	0	0	1	2	0	0	0	0
Chicago	42	25	39	70	70	97	64	57	65	88
Cincinnati	0	4	0	1	1	0	1	2	0	0
Cleveland	10	8	11	12	10	6	15	13	5	7
Columbus	4	4	2	3	3	5	4	1	2	3
Dallas	8	7	9	9	3	8	2	5	5	7
Denver	0	3	2	0	2	0	2	0	0	1
Detroit	29	53	42	31	38	43	25	11	9	6
El Paso	0	0	0	1	0	0	0	4	1	1
Fort Worth	3	2	3	2	1	0	0	3	1	4
Honolulu	0	0	0	0	1	0	0	0	0	0
Houston	15	9	14	15	12	6	7	4	7	20
Indianapolis	0	0	0	2	0	0	0	0	0	0
Jacksonville	3	0	2	2	2	0	0	1	1	2
Kansas City	5	7	3	2	2	1	6	0	0	0
Long Beach	0	2	1	0	0	2	0	1	1	3
Los Angeles	13	19	12	14	14	12	27	14	14	22
Louisville	2	2	3	2	0	3	0	1	1	0
Memphis	3	1	8	3	4	0	2	1	6	9
Miami	12	7	5	0	0	2	0	1	0	5
Milwaukee	1	1	0	0	0	2	1	0	0	2
Minneapolis	0	0	2	0	2	0	0	1	0	1
Nashville	1	1	0	1	2	1	6	1	1	2
Newark	3	6	0	1	2	1	2	1	0	0
New Orleans	1	0	0	0	4	11	1	6	5	6
New York	20	22	19	20	21	27	26*	33	23	47
Norfolk	0	0	3	1	0	1	1	1	1	0
Oakland	1	0	3	0	2	2	2	1	3	1
Oklahoma City	0	0	0	0	2	7	7	1	4	4
Omaha	2	0	0	0	3	0	0	1	0	2
Philadelphia	6	9	26	17	8	6	13	1	9	9
Phoenix	4	3	1	2	2	9	1	2	0	0
Pittsburgh	2	3	1	0	2	0	3	0	1	1
Portland	0	1	0	1	0	3	1	0	1	0
Rochester	0	0	0	0	0	0	1	3	0	0
Sacramento	1	0	0	0	1	1	2	0	4	0
St. Louis	11	10	2	3	2	4	6	5	0	1
St. Paul	0	0	0	0	0	0	1	0	0	0
San Antonio	2	0	0	0	1	0	0	0	0	0
San Diego	1	0	0	0	2	2	5	0	1	1
San Francisco	5	3	14	0	1	0	10	0	2	4
San Jose	0	2	0	2	3	0	0	0	0	0
Seattle	1	1	2	0	2	0	0	0	0	0
Tampa	1	2	0	1	0	5	1	0	1	0
Toledo	1	1	0	0	1	2	0	1	0	1
Tucson	0	0	0	1	1	0	2	0	3	2
Tulsa	1	1	2	1	1	1	1	1	0	2
Washington	2	1	4	5	7	1	5	4	1	1
Wichita	0	1	1	0	1	0	0	0	0	2
	246	245	251	249	264	301	285	190	192	277

*6 months reported; 12 months projected

Source: FBI Uniform Crime Reports

TABLE G-2

LAW ENFORCEMENT OFFICERS MURDERED
1970-1979

Agency	1970[1]	1971[2]	1972	1973	1974	1975	1976	1977	1978	1979
Akron	0	0	1	0	0	1	0	0	0	0
Albuquerque	0	0	0	0	0	0	0	0	0	0
Atlanta	0	0	0	3	1	2	1	1	1	0
Austin	0	0	0	0	0	1	0	0	1	0
Baltimore	0	1	1	2	4	1	1	0	0	1
Birmingham	0	0	1	1	0	0	0	0	0	1
Boston	1	0	0	1	1	1	0	0	0	0
Buffalo	1	0	0	0	0	0	0	0	0	0
Charlotte	1	0	0	0	1	0	0	0	0	0
Chicago	5	2	1	3	6	1	2	1	0	2
Cincinnati	0	0	1	0	2	1	0	0	1	3
Cleveland	1	0	0	1	1	1	1	0	0	1
Columbus	0	0	2	0	0	0	2	0	0	0
Dallas	0	0	2	1	1	1	2	0	0	0
Denver	0	0	0	0	0	2	0	0	0	0
Detroit	2	1	3	2	4	1	0	0	0	0
El Paso	0	0	0	0	0	0	0	0	0	0
Fort Worth	0	0	0	1	0	1	0	1	1	1
Honolulu	0	0	0	0	0	0	1	0	0	0
Houston	0	1	2	2	0	2	2	0	1	0
Indianapolis	0	0	0	0	2	1	1	0	0	1
Jacksonville	0	0	0	0	0	1	0	0	0	0
Kansas City	0	0	0	0	0	1	1	0	1	0
Long Beach	0	0	0	0	0	2	1	0	0	0
Los Angeles	0	0	0	3	1	1	2	1	0	1
Louisville	0	2	0	1	0	0	0	0	0	0
Memphis	0	0	0	2	0	0	0	1	0	0
Miami	0	1	0	0	0	0	0	0	0	0
Milwaukee	1	0	0	3	2	1	0	1	0	0
Minneapolis	0	0	2	0	0	0	0	0	0	0
Nashville	0	0	0	1	0	0	2	0	2	0
Newark	0	0	0	0	0	1	1	0	1	0
New Orleans	0	0	1	4	1	1	0	0	0	0
New York	4	5	4	4	4	6	1	3	4	4
Norfolk	0	0	0	0	0	0	0	0	0	0
Oakland	1	0	0	3	2	0	0	0	0	0
Oklahoma City	0	1	0	0	1	0	0	0	0	0
Omaha	1	0	0	0	1	0	0	0	0	0
Philadelphia	1	2	1	1	1	3	3	0	1	0
Phoenix	1	0	0	0	0	1	0	0	0	0
Pittsburgh	0	0	0	0	1	0	0	0	0	0
Portland	0	0	0	0	1	0	0	0	0	1
Rochester	0	0	0	0	0	0	0	0	0	0
Sacramento	0	0	0	0	1	0	0	0	0	0
St. Louis	0	2	2	1	0	1	0	0	0	1
St. Paul	0	0	0	0	0	0	0	0	0	0
San Antonio	1	0	1	2	0	1	0	1	1	0
San Diego	1	0	0	0	0	0	0	1	1	1
San Francisco	1	0	1	0	0	0	0	1	1	0
San Jose	1	0	0	0	0	0	0	0	0	0
Seattle	0	0	0	0	0	0	1	0	0	0
Tampa	0	0	0	0	0	1	0	0	0	0
Toledo	1	0	0	0	0	0	0	0	0	0
Tucson	0	0	0	0	1	0	0	0	0	0
Tulsa	0	1	0	0	0	0	0	0	0	0
Washington	0	3	0	1	1	0	1	1	1	0
Wichita	0	0	0	0	0	0	0	0	0	0
	25	22	26	43	41	38	26	13	18	18

Sources: FBI, Law Enforcement Officers Killed: Summary

[1] IACP Casualty Summary: July 1-December 31, 1970

[2] IACP Casualty Summary: January 1-June 30, 1971

TABLE G-3

ROBBERY OFFENSES
1970-1979

Agency	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979
Akron	716	772	758	836	856	861	686	613	552	491
Albuquerque	433	667	857	909	803	819	871	754	694	815
Atlanta	2,126	2,207	3.074	4,140	4,357	3,887	3,380	3,354	4,119	5,189
Austin	215	372	285	309	426	529	518	512	635	577
Baltimore	10,965	9,480	9,584	8,612	10,208	9,055	7,755	7,563	8,097	8,482
Birmingham	328	465	757	906	1,193	1,555	851	989	966	1,474
Boston	3,371	4,735	5,037	5,969	7,195	7,778	6,125	5,655	5,635	6,600
Buffalo	1,497	2,207	1,991	1,924	1,937	2,340	1,937	1,822	1,721	1,958
Charlotte	488	573	603	712	1,005	822	731	614	709	703
Chicago	23,198	24,012	23,531	24,181	26,172	22,171	17,577	16,512	15,233	14,464
Cincinnati	1,236	1,749	1,733	1,386	1,653	1,745	1,525	1,625	1,300	1,662
Cleveland	5,475	5,987	5,639	4,621	6,113	7,100	5,453	6,466	6,354	5,760
Columbus	1,682	1,873	1,464	1,508	1,854	2,402	1,921	1,752	1,923	2,445
Dallas	2,964	2,861	2,616	3,156	3,144	3,386	3,113	3,637	3,835	4,456
Denver	1,980	2,167	2,014	2,410	2,307	2,568	2,042	2,488	2,362	2,[illegible]7
Detroit	23,038	20,753	17,170	16,249	20,190	21,317	21,213	15,832	12,283	11,413
El Paso	310	398	514	586	818	840	792	824	775	813
Fort Worth	1,016	917	791	982	1,166	1,207	985	1,132	1,218	1,783
Honolulu	368	529	428	663	981	1,050	1,112	1,081	1,473	1,568
Houston	6,405	5,127	5,117	6,265	7,245	6,422	5,531	6,153	7,352	9,311
Indianapolis	2,073	2,109	1,398	1,352	2,343	3,092	2,366	2,139	1,963	2,053
Jacksonville	1,507	1,264	1,426	1,631	1,960	1,727	1,558	1,466	1,347	1,555
Kansas City	2,982	2,473	2,092	2,333	3,002	3,081	2,410	2,326	1,864	2,651
Long Beach	1,194	1,480	1,700	1,750	1,820	1,959	1,703	1,996	2,130	2,278
Los Angeles	12,695	14,147	14,241	13,706	13,614	14,590	14,225	15,246	17,105	20,454
Louisville	1,332	1,453	1,496	1,613	1,590	1,564	1,689	1,367	1,304	1,548
Memphis	998	1,151	1,676	2,531	2,983	2,983	2,429	2,749	2,897	3,300
Miami	2,867	2,829	2,555	2,389	3,312	2,657	2,313	2,447	2,832	3,390
Milwaukee	649	661	748	1,085	1,647	1,968	1,621	1,389	1,212	1,592
Minneapolis	1,818	1,646	1,908	1,928	2,058	1,838	1,407	1,652	1,688	1,988
Nashville	1,015	1,176	1,097	1,255	1,543	2,003	1,722	1,688	1,772	1,716
Newark	4,666	5,529	4,788	4,069	4,231	4,273	3,834	3,203	3,682	6,100
New Orleans	3,632	3,391	3,001	3,033	3,829	3,596	2,600	3,279	4,164	5,276
New York	74,102	88,994	78,202	72,750	77,940	83,190	86,183	74,404	74,029	82,572
Norfolk	857	821	823	798	819	1,183	977	632	794	1,021
Oakland	2,497	2,932	2,907	2,879	2,883	3,185	2,894	3,037	2,774	3,072
Oklahoma City	548	521	671	696	938	992	770	775	1,023	1,188
Omaha	753	482	692	817	1,233	1,211	788	809	878	954
Philadelphia	6,377	9,243	9,710	8,481	10,069	10,405	7,786	6,999	7,069	8,838
Phoenix	1,395	1,304	1,292	1,701	2,436	1,938	1,485	1,594	2,031	2,337
Pittsburgh	2,690	2,556	2,646	2,647	2,501	2,744	2,419	2,539	3,046	2,752
Portland	1,634	1,797	1,715	1,486	1,916	1,843	1,913	1,703	1,774	1,787
Rochester	509	728	726	673	865	1,163	1,196	1,099	1,010	1,096
Sacramento	583	783	886	734	892	1,128	1,187	1,276	1,582	1,640
St. Louis	5,296	4,956	4,844	5,177	5,300	6,288	5,303	4,943	5,025	5,386
St. Paul	1,160	892	838	929	1,150	1,198	991	886	790	894
San Antonio	1,062	911	1,200	1,578	1,751	1,730	1,262	1,460	1,438	1,689
San Diego	839	1,106	1,225	1,422	1,981	2,199	2,271	2,481	2,530	2,884
San Francisco	5,881	6,584	4,573	4,817	4,436	5,687	6,628	5,423	6,509	6,694
San Jose	544	497	687	687	807	887	967	1,031	1,155	1,358
Seattle	1,984	1,801	1,564	1,702	2,041	2,103	2,163	1,764	2,257	2,071
Tampa	812	951	996	1,114	1,375	1,394	1,025	1,062	1,080	1,312
Toledo	1,003	1,081	1,180	1,357	1,720	1,617	1,782	1,819	1,513	1,784
Tucson	347	383	481	585	754	707	554	550	584	697
Tulsa	384	459	463	412	458	581	392	489	609	651
Washington	11,816	11,222	7,751	7,171	7,941	9,137	7,044	6,655	6,333	6,920
Wichita	484	374	343	528	718	640	514	715	542	668
	248,796	268,5[illegible]8	248,504	246,440	276,479	286,335	262,489	244,470	247,571	276,387

Source: FBI Uniform Crime Reports

TABLE G-4

TOTAL COMMUNITY MURDER AND NONNEGLIGENT MANSLAUGHTER
1970-1979

Agency	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979
Akron	25	38	31	28	49	35	22	25	20	19
Albuquerque	19	31	23	28	31	30	28	31	37	47
Atlanta	242	230	255	263	248	185	154	138	144	231
Austin	22	27	38	26	35	33	24	33	35	43
Baltimore	231	323	330	280	293	259	200	171	197	245
Birmingham	63	82	76	63	76	89	76	87	74	93
Boston	114	116	104	135	134	119	81	75	72	92
Buffalo	57	76	62	62	64	63	54	45	44	52
Charlotte	79	54	60	61	61	68	52	47	51	50
Chicago	810	824	711	864	970	818	814	823	787	856
Cincinnati	59	79	70	68	67	64	56	72	57	50
Cleveland	271	270	307	277	306	288	236	249	213	274
Columbus	47	69	59	64	68	62	53	69	68	69
Dallas	242	207	192	230	196	237	230	224	230	307
Denver	74	82	89	96	74	74	86	73	97	66
Detroit	495	577	601	672	714	633	663	480	498	452
El Paso	13	16	11	18	19	21	25	32	21	33
Fort Worth	105	102	99	83	98	68	69	102	86	99
Honolulu	15	19	44	36	62	58	40	46	38	48
Houston	289	303	294	263	330	347	321	376	484	654
Indianapolis	60	60	66	71	75	95	68	80	76	92
Jacksonville	95	82	96	121	127	91	90	77	79	73
Kansas City	120	103	71	47	109	114	95	97	115	119
Long Beach	29	31	55	55	39	54	69	75	68	61
Los Angeles	395	427	501	489	481	554	501	576	651	786
Louisville	89	84	81	82	83	74	79	66	49	68
Memphis	91	91	126	153	142	120	113	104	113	103
Miami	91	100	78	104	94	98	84	84	96	134
Milwaukee	50	52	56	66	62	70	57	54	48	63
Minneapolis	28	35	39	35	39	47	27	38	26	30
Nashville	64	73	68	96	93	93	74	82	81	89
Newark	143	131	148	163	130	122	99	92	109	129
New Orleans	100	116	163	208	199	158	170	173	216	242
New York	1,117	1,466	1,691	1,680	1,554	1,645	1,622	1,553	1,503	1,733
Norfolk	38	35	45	39	46	64	46	47	45	48
Oakland	69	89	78	100	78	111	98	94	97	106
Oklahoma City	32	45	43	43	53	61	36	67	67	83
Omaha	33	24	24	37	36	36	19	31	24	40
Philadelphia	352	435	413	430	444	434	338	323	351	385
Phoenix	63	55	83	66	89	75	53	70	88	91
Pittsburgh	63	65	49	48	70	63	62	52	66	68
Portland	36	15	37	32	42	48	39	41	34	39
Rochester	20	31	29	34	31	28	30	47	28	31
Sacramento	19	33	29	27	37	42	52	41	61	44
St. Louis	266	220	205	215	202	240	182	195	210	265
St. Paul	14	20	16	14	18	18	13	17	15	16
San Antonio	73	96	104	128	145	131	119	146	136	171
San Diego	32	37	31	56	66	64	59	50	68	96
San Francisco	111	102	81	107	139	138	131	141	118	112
San Jose	12	16	27	27	27	39	37	41	44	44
Seattle	42	42	42	54	55	52	42	35	54	37
Tampa	52	54	62	56	62	67	42	31	41	37
Toledo	30	29	34	45	55	41	35	53	35	47
Tucson	53	19	12	28	25	23	24	35	26	14
Tulsa	31	33	31	25	28	37	27	28	45	44
Washington	221	275	245	268	277	235	188	192	189	180
Wichita	18	14	17	17	24	36	19	34	25	32
	7,424	8,160	8,432	8,883	9,171	8,969	8,123	8,160	8,350	9,532

Source: FBI Uniform Crime Reports

TABLE G-5

VIOLENT CRIME*
1970-1979

Agency	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979
Akron	13	13	13	14	15	16	14	14	13	11
Albuquerque	14	18	22	23	19	24	24	24	24	27
Atlanta	39	46	57	75	84	80	75	76	88	107
Austin	12	16	15	15	11	12	12	13	14	15
Baltimore	189	169	167	158	174	161	142	143	147	155
Birmingham	20	21	22	30	36	34	27	29	30	33
Boston	54	70	74	87	103	114	99	94	100	114
Buffalo	26	32	29	29	28	34	31	39	32	39
Charlotte	21	20	19	19	22	19	19	22	24	25
Chicago	371	377	369	389	423	372	306	289	277	278
Cincinnati	23	28	28	24	32	36	35	34	33	38
Cleveland	80	87	84	73	96	104	85	94	97	97
Columbus	29	32	27	26	33	39	33	32	34	42
Dallas	82	90	79	88	77	77	72	89	99	115
Denver	43	47	44	49	47	50	41	50	49	51
Detroit	292	276	247	247	291	304	297	241	216	210
El Paso	8	11	13	14	17	16	16	16	15	22
Fort Worth	18	17	15	17	19	19	17	26	27	38
Honolulu	6	9	10	11	16	16	17	17	20	22
Houston	99	88	81	90	97	89	80	93	109	142
Indianapolis	36	34	25	26	36	47	41	38	37	42
Jacksonville	41	35	43	40	46	46	44	42	44	49
Kansas City	54	48	45	47	49	61	56	56	50	59
Long Beach	19	23	26	27	30	32	30	34	37	40
Los Angeles	299	313	320	302	305	304	320	337	368	434
Louisville	22	21	22	24	24	24	26	22	22	26
Memphis	27	30	37	47	53	54	48	52	54	58
Miami	59	61	54	56	65	62	52	53	63	68
Milwaukee	15	15	16	21	27	32	27	25	24	30
Minneapolis	28	29	36	34	39	33	30	31	31	39
Nashville	30	36	29	28	28	32	28	30	32	33
Newark	72	86	78	69	68	71	66	62	68	96
New Orleans	63	59	55	55	66	60	48	59	76	89
New York	1,086	1,267	1,203	1,163	1,246	1,322	1,342	1,219	1,227	1,324
Norfolk	21	22	23	22	22	28	25	20	22	21
Oakland	39	45	49	51	54	59	55	58	54	61
Oklahoma City	13	19	16	16	18	27	24	27	36	38
Omaha	20	17	19	21	25	25	20	19	19	20
Philadelphia	111	152	153	146	165	163	131	120	124	145
Phoenix	36	39	43	46	53	46	39	43	54	58
Pittsburgh	46	48	48	48	45	50	46	46	48	46
Portland	27	31	33	30	40	41	43	40	40	46
Rochester	13	13	12	12	13	16	16	21	23	28
Sacramento	11	15	17	16	20	24	28	29	32	32
St. Louis	93	89	88	93	94	106	96	97	101	108
St. Paul	18	15	15	17	19	22	20	19	18	19
San Antonio	32	33	34	40	44	42	33	38	34	40
San Diego	20	21	24	28	36	39	41	44	45	54
San Francisco	96	103	78	81	77	91	108	94	105	110
San Jose	15	14	17	14	16	21	25	27	28	32
Seattle	31	31	28	29	36	40	41	42	49	49
Tampa	19	22	23	26	30	32	29	32	35	42
Toledo	15	17	18	21	26	25	28	29	25	30
Tucson	9	10	10	13	17	18	15	16	17	20
Tulsa	10	14	14	16	17	18	17	19	22	23
Washington	164	161	126	116	116	127	104	98	95	106
Wichita	10	8	8	10	13	11	11	14	12	15
	4,158	4,463	4,299	4,328	4,728	4,867	4,595	4,487	4,619	5,111

*expressed in units of 100

Source: FBI Uniform Crime Reports

TABLE G-6

INDEX CRIME*
1970-1979

Agency	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979
Akron	133	127	115	173	201	220	212	177	156	163
Albuquerque	134	165	175	227	227	253	284	240	229	273
Atlanta	274	301	332	451	486	489	495	456	539	587
Austin	68	83	80	166	192	222	241	235	247	272
Baltimore	621	544	509	654	762	704	676	673	695	737
Birmingham	134	142	142	199	233	255	261	250	267	320
Boston	383	425	388	525	657	805	762	670	654	702
Buffalo	183	202	189	228	252	287	299	318	273	270
Charlotte	130	113	99	161	229	242	237	230	231	230
Chicago	1,280	1,269	1,217	2,145	2,432	2,359	2,141	2,038	1,908	1,867
Cincinnati	174	219	208	289	308	336	313	300	303	331
Cleveland	446	463	411	421	520	578	531	550	510	520
Columbus	258	266	240	313	393	503	462	432	448	506
Dallas	504	464	452	698	822	944	913	858	866	938
Denver	378	377	389	440	477	504	529	539	510	520
Detroit	1,276	1,272	1,072	1,182	1,393	1,557	1,536	1,237	1,105	1,107
El Paso	93	131	109	200	240	253	253	246	236	264
Fort Worth	157	139	132	218	254	296	303	367	360	427
Honolulu	161	164	208	352	438	439	458	470	519	529
Houston	599	588	634	824	911	922	1,063	1,173	1,320	1,417
Indianapolis	253	229	192	296	342	419	390	343	348	351
Jacksonville	252	242	230	346	410	445	402	360	363	393
Kansas City	290	279	242	323	407	450	434	390	377	421
Long Beach	157	171	186	239	259	263	264	267	278	290
Los Angeles	1,757	1,839	1,769	2,117	2,156	2,234	2,207	2,178	2,333	2,586
Louisville	294	176	156	170	203	231	235	203	193	189
Memphis	216	237	291	429	502	543	492	450	435	445
Miami	239	249	224	304	383	398	363	341	349	372
Milwaukee	202	220	212	305	337	385	370	345	338	384
Minneapolis	234	239	243	332	337	345	329	323	305	324
Nashville	177	207	170	247	269	328	297	261	264	286
Newark	318	348	312	312	327	346	343	303	321	404
New Orleans	354	354	300	352	389	398	377	399	458	525
New York	5,177	5,294	4,343	4,759	5,198	5,812	6,581	6,101	5,704	6,211
Norfolk	134	139	114	172	195	226	212	194	195	199
Oakland	287	257	248	416	405	429	412	397	389	413
Oklahoma City	114	130	132	231	274	335	330	380	276	336
Omaha	120	114	132	213	241	238	224	220	215	244
Philadelphia	457	613	586	723	817	842	770	718	729	826
Phoenix	295	305	334	616	773	757	720	683	716	751
Pittsburgh	284	265	235	262	293	320	320	268	268	280
Portland	233	265	265	364	418	423	409	368	356	361
Rochester	124	112	102	183	226	236	261	265	253	283
Sacramento	117	134	153	209	226	266	285	270	292	317
St. Louis	459	444	426	639	664	694	627	555	545	572
St. Paul	150	144	148	194	208	225	243	214	202	210
San Antonio	272	267	275	432	505	590	615	552	525	550
San Diego	232	255	280	456	528	600	626	654	668	721
San Francisco	571	575	466	575	559	645	773	714	704	707
San Jose	145	179	202	355	398	441	415	392	418	433
Seattle	312	270	260	403	460	461	400	384	441	463
Tampa	140	138	147	246	304	303	277	256	270	317
Toledo	134	138	147	238	296	330	332	310	294	326
Tucson	85	85	96	211	286	317	314	320	291	308
Tulsa	127	124	126	186	239	263	258	244	247	274
Washington	593	513	374	510	546	552	497	498	510	564
Wichita	111	107	106	166	206	210	202	205	199	204
	22,702	23,111	21,325	28,398	34,929	34,469	34,575	32,684	32,445	34,820

*expressed in units of 100

Source: FBI Uniform Crime Reports

APPENDIX H

JUSTIFIABLE HOMICIDE AND SELECTED CRIMES

FIVE-YEAR AVERAGE
1975-1979

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Table

H-1 Justifiable Homicide by Police, Five-Year Average, 1975-1979

H-2 Community Homicide, Five-Year Average, 1975-1979

H-3 Robbery, Five-Year Average, 1975-1979

H-4 Justifiable Homicide by Civilian, Five-Year Average, 1975-1979

H-5 Weapons Violations Arrests, Five-Year Average, 1975-1979

TABLE H-1

JUSTIFIABLE HOMICIDE BY POLICE
FIVE-YEAR AVERAGE
1975-1979

Agency	Five-Year Average
Akron	0.60
Albuquerque	1.00
Austin	0.40
Baltimore	8.60
Birmingham	5.00
Boston	1.40
Buffalo	1.00
Charlotte	0.60
Chicago	22.80
Cincinnati	2.00
Cleveland	6.40
Columbus	2.00
Dallas	7.00
Denver	2.20
Detroit	21.20
El Paso	1.60
Fort Worth	1.20
Honolulu	0.80
Houston	16.40
Indianapolis	4.20
Jacksonville	6.20
Kansas City	4.20
Long Beach	4.00
Los Angeles	24.80
Louisville	2.00
Memphis	4.00
Miami	1.80
Minneapolis	1.40
Nashville	3.00
Newark	1.20
New Orleans	12.00
New York	35.00
Norfolk	1.40
Oakland	4.40
Oklahoma City	3.20
Omaha	1.40
Philadelphia	17.00
Phoenix	3.60
Portland	0.80
Rochester	1.20
Sacramento	0.20
St. Louis	9.20
St. Paul	0.40
San Antonio	4.00
San Diego	3.80
San Francisco	2.60
San Jose	1.80
Seattle	2.20
Tampa	1.80
Toledo	1.00
Tucson	2.20
Tulsa	2.00
Washington	7.20
Wichita	1.40

TABLE H-2

COMMUNITY HOMICIDE
FIVE-YEAR AVERAGE
1975-1979

Agency	Five-Year Average
Akron	24.20
Albuquerque	34.60
Austin	33.60
Baltimore	214.40
Birmingham	83.80
Boston	87.80
Buffalo	51.60
Charlotte	53.60
Chicago	819.60
Cincinnati	59.80
Cleveland	252.00
Columbus	64.20
Dallas	245.60
Denver	79.20
Detroit	545.20
El Paso	26.40
Fort Worth	84.80
Honolulu	46.00
Houston	436.40
Indianapolis	82.20
Jacksonville	82.00
Kansas City	108.00
Long Beach	65.40
Los Angeles	613.60
Louisville	67.20
Memphis	110.60
Miami	99.20
Minneapolis	33.60
Nashville	83.80
Newark	110.20
New Orleans	191.80
New York	1611.20
Norfolk	50.00
Oakland	101.20
Oklahoma City	62.80
Omaha	30.00
Philadelphia	366.20
Phoenix	75.40
Portland	40.20
Rochester	32.80
Sacramento	48.00
St. Louis	218.40
St. Paul	15.80
San Antonio	140.60
San Diego	67.40
San Francisco	128.00
San Jose	41.00
Seattle	44.00
Tampa	43.60
Toledo	42.20
Tucson	24.40
Tulsa	36.20
Washington	196.80
Wichita	29.20

TABLE H-3

ROBBERY
FIVE-YEAR AVERAGE
1975-1979

Agency	Five-Year Average
Akron	640.60
Albuquerque	790.60
Austin	554.20
Baltimore	8190.40
Birmingham	1167.00
Boston	6358.60
Buffalo	1955.60
Charlotte	715.80
Chicago	17191.40
Cincinnati	1571.40
Cleveland	6226.60
Columbus	2088.60
Dallas	3685.40
Denver	2343.40
Detroit	16411.60
El Paso	808.80
Fort Worth	1265.00
Honolulu	1256.80
Houston	6953.80
Indianapolis	2322.60
Jacksonville	1530.60
Kansas City	2466.40
Long Beach	2013.20
Los Angeles	16324.00
Louisville	1494.40
Memphis	2871.60
Miami	2727.80
Minneapolis	1714.60
Nashville	1780.20
Newark	4218.40
New Orleans	3783.00
New York	80075.56
Norfolk	921.40
Oakland	2992.40
Oklahoma City	949.60
Omaha	928.00
Philadelphia	8219.40
Phoenix	1877.00
Portland	1804.00
Rochester	1112.80
Sacramento	1362.60
St. Louis	5389.00
St. Paul	951.80
San Antonio	1515.80
San Diego	2473.00
San Francisco	6188.20
San Jose	1079.60
Seattle	2071.60
Tampa	1174.60
Toledo	1703.00
Tucson	618.40
Tulsa	544.40
Washington	7217.80
Wichita	615.80

TABLE H-4

JUSTIFIABLE HOMICIDE BY CIVILIAN
FIVE-YEAR AVERAGE
1975-1979

Agency	Five-Year Average
Akron	0.6
Albuquerque	0.4
Austin	1.4
Baltimore	3.8
Birmingham	4.0
Boston	1.0
Buffalo	1.4
Charlotte	0.4
Chicago	74.2
Cincinnati	0.6
Cleveland	9.2
Columbus	3.0
Dallas	5.4
Denver	0.6
Detroit	18.8
El Paso	1.2
Fort Worth	1.6
Honolulu	0.0
Houston	8.8
Indianapolis	0.0
Jacksonville	0.8
Kansas City	1.4
Long Beach	1.4
Los Angeles	17.8
Louisville	1.0
Memphis	3.6
Miami	1.6
Minneapolis	0.4
Nashville	2.2
Newark	0.8
New Orleans	5.8
New York	31.2
Norfolk	0.8
Oakland	1.8
Oklahoma City	4.6
Omaha	0.6
Philadelphia	7.6
Phoenix	2.4
Portland	1.0
Rochester	0.8
Sacramento	1.6
St. Louis	3.0
St. Paul	0.2
San Antonio	0.0
San Diego	1.8
San Francisco	3.2
San Jose	0.0
Seattle	0.0
Tampa	1.4
Toledo	0.8
Tucson	1.4
Tulsa	1.0
Washington	2.4
Wichita	0.4

TABLE H-5

WEAPONS VIOLATIONS ARRESTS
FIVE-YEAR AVERAGE
1975-1979

Agency	Number
Akron	NR
Albuquerque	321
Austin	365
Baltimore	2,096
Birmingham	690
Boston	312
Buffalo	321
Charlotte	272
Chicago	9,643
Cincinnati	398
Cleveland	854
Columbus	526
Dallas	1,743
Denver	1,018
Detroit	2,549
El Paso	442
Fort Worth	388
Honolulu	495
Houston	1,991
Indianapolis	558
Jacksonville	648
Kansas City	862
Long Beach	274
Los Angeles	2,626
Louisville	512
Memphis	1,195
Miami	452
Minneapolis	318
Nashville	NR
Newark	667
New Orleans	1,575
New York	6,619
Norfolk	416
Oakland	613
Oklahoma City	590
Omaha	288
Philadelphia	1,992
Phoenix	773
Portland	474
Rochester	280
Sacramento	312
St. Louis	1,322
St. Paul	115
San Antonio	850
San Diego	639
San Francisco	1,163
San Jose	388
Seattle	465
Tampa	295
Toledo	546
Tucson	273
Tulsa	251
Washington	1,307
Wichita	219

NR = Not Reported

APPENDIX I

JUSTIFIABLE HOMICIDE BY POLICE
INTRA-CITY CORRELATIONS
TO SELECTED CRIMES,
POPULATION, AND NUMBER OF POLICE OFFICERS
1975-1979

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I-1 Correlation Coefficients, 54 Group I Cities, 1975

I-2 Correlation Coefficients, 54 Group I Cities, 1976

I-3 Correlation Coefficients, 54 Group I Cities, 1977

I-4 Correlation Coefficients, 54 Group I Cities, 1978

I-5 Correlation Coefficients, 54 Group I Cities, 1979

TABLE I-1

CORRELATION COEFFICIENTS
54 GROUP I CITIES - 1975

Justifiable Homicide by Police :

+ 0.7148	Justifiable Homicide by Civilian
+ 0.6573	Police Officers Murdered
+ 0.9028	Homicide Index
+ 0.7821	Robbery Index
+ 0.7924	Violent Crime Index
+ 0.8336	Population
+ 0.8455	Number of Police Officers

TABLE I-2

CORRELATION COEFFICIENTS
54 GROUP I CITIES - 1976

Justifiable Homicide by Police :

+ 0.6901	Justifiable Homicide by Civilian
+ 0.4620	Police Officers Murdered
+ 0.8259	Homicide Index
+ 0.6924	Robbery Index
+ 0.7129	Violent Crime Index
+ 0.7694	Population
+ 0.7406	Number of Police Officers

TABLE I-3

CORRELATION COEFFICIENTS
54 GROUP I CITIES - 1977

Justifiable Homicide by Police :

+ 0.7660	Justifiable Homicide by Civilian
+ 0.5145	Police Officers Murdered
+ 0.8637	Homicide Index
+ 0.6955	Robbery Index
+ 0.7164	Violent Crime Index
+ 0.8223	Population
+ 0.8351	Number of Police Officers

TABLE I-4

CORRELATION COEFFICIENTS
54 GROUP I CITIES - 1978

Justifiable Homicide by Police :

+ 0.5536	Justifiable Homicide by Civilian
+ 0.5496	Police Officers Murdered
+ 0.9353	Homicide Index
+ 0.8645	Robbery Index
+ 0.8799	Violent Crime Index
+ 0.8981	Population
+ 0.9026	Number of Police Officers

TABLE I-5

CORRELATION COEFFICIENTS
54 GROUP I CITIES - 1979

Justifiable Homicide by Police :

+ 0.6833	Justifiable Homicide by Civilian
+ 0.5713	Police Officers Murdered
+ 0.9038	Homicide Index
+ 0.7872	Robbery Index
+ 0.7941	Violent Crime Index
+ 0.8314	Population
+ 0.8290	Number of Police Officers

APPENDIX J

ARREST DATA

1975-1979

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J-1 Justifiable Homicide and Criminal Arrests by Race of Victim or Arrested, 1975

J-2 Justifiable Homicide and Criminal Arrests by Race of Victim or Arrested, 1976

J-3 Justifiable Homicide and Criminal Arrests by Race of Victim or Arrested, 1977

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J-6 Arrests for Homicide, 1975

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J-12 Arrests for Robbery, 1976

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J-19 Arrests for Violent Crime, 1978

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J-22 Arrests for Weapons Violations, 1976

J-23 Arrests for Weapons Violations, 1977

J-24 Arrests for Weapons Violations, 1978

J-25 Arrests for Weapons Violations, 1979

TABLE J-1

JUSTIFIABLE HOMICIDE AND CRIMINAL ARRESTS BY RACE OF VICTIM OR ARRESTED 1975

	White	Black	Other
Justifiable Homicide by Police	38.4	61.6	0.6
Justifiable Homicide by Civilian	21.9	77.4	0.7
Homicide Arrests	26.8	70.1	3.1
Robbery Arrests	24.0	73.6	2.4
Violent Crime Arrests	31.2	66.3	2.5
Weapons Violations Arrests	34.4	62.0	3.6

TABLE J-2

JUSTIFIABLE HOMICIDE AND CRIMINAL ARRESTS BY RACE OF VICTIM OR ARRESTED 1976

	White	Black	Other
Justifiable Homicide by Police	37.0	61.3	1.6
Justifiable Homicide by Civilian	22.8	75.8	1.4
Homicide Arrests	29.5	67.2	3.3
Robbery Arrests	26.7	70.8	2.5
Violent Crime Arrests	33.1	64.3	2.5
Weapons Violations Arrests	36.4	59.8	3.8

TABLE J-3

JUSTIFIABLE HOMICIDE AND CRIMINAL ARRESTS BY RACE OF VICTIM OR ARRESTED 1977

	White	Black	Other
Justifiable Homicide by Police	41.4	57.2	1.4
Justifiable Homicide by Civilian	28.4	71.1	0.5
Homicide Arrests	30.6	65.2	4.2
Robbery Arrests	27.3	69.8	2.9
Violent Crime Arrests	34.3	63.1	2.5
Weapons Violations Arrests	38.4	57.2	4.5

TABLE J-4

JUSTIFIABLE HOMICIDE AND CRIMINAL ARRESTS BY RACE OF VICTIM OR ARRESTED 1978

	White	Black	Other
Justifiable Homicide by Police	40.8	58.6	0.5
Justifiable Homicide by Civilian	26.6	72.9	0.5
Homicide Arrests	31.8	64.4	3.8
Robbery Arrests	26.6	70.6	2.8
Violent Crime Arrests	34.8	62.8	2.4
Weapons Violations Arrests	40.1	55.8	4.1

TABLE J-5

JUSTIFIABLE HOMICIDE AND CRIMINAL ARRESTS BY RACE OF VICTIM OR ARRESTED 1979

	White	Black	Other
Justifiable Homicide by Police	40.1	58.8	1.2
Justifiable Homicide by Civilian	31.5	67.0	1.5
Homicide Arrests	32.9	62.8	4.4
Robbery Arrests	27.6	69.6	2.7
Violent Crime Arrests	35.4	62.0	2.6
Weapons Violations Arrests	40.9	54.3	4.7

KEY TO TABLES

J-6 through J-25

(1) 11 months reported - 12 months projected
(2) 10 months reported - 12 months projected
(3) 9 months reported - 12 months projected
(4) 8 months reported - 12 months projected
(5) 7 months reported - 12 months projected
(6) Juvenile reported - Adult projected
(7) None reported - projected from known years
(8) 6 months reported - 12 months projected

TABLE J-6

ARRESTS FOR HOMICIDE
1975

Agency	White	Black	Other
Akron	NR	NR	NR
Albuquerque	18	3	0
Atlanta	28	144	0
Austin	17	15	0
Baltimore	44	288	0
Birmingham	16	52	0
Boston	26	64	6
Buffalo	17	32	3
Charlotte	10	49	0
Chicago	141	918	131
Cincinnati	30	45	1
Cleveland	114	361	0
Columbus	21	48	0
Dallas	73	146	0
Denver	45	18	2
Detroit	55	449	0
El Paso	13	8	0
Fort Worth	11	37	9
Honolulu (2)	13	1	31
Houston	71	93	0
Indianapolis	23	72	0
Jacksonville	24	60	0
Kansas City	26	111	1
Long Beach	33	33	3
Los Angeles	238	372	12
Louisville	21	57	0
Memphis (1)	28	200	1
Miami (1)	11	47	2
Milwaukee	53	40	1
Minneapolis	12	15	1
Nashville	NR	NR	NR
Newark	27	120	0
New Orleans (1)	58	148	0
New York (7)	523	550	8
Norfolk	12	50	0
Oakland	15	60	2
Oklahoma City	28	35	3
Omaha	11	18	3
Philadelphia (1)	22	425	25
Phoenix (1)	34	16	1
Pittsburgh (1)	16	62	0
Portland (1)	20	8	3
Rochester	6	24	2
Sacramento	20	14	7
St. Louis	17	306	0
St. Paul (7)	3	6	1
San Antonio (3)	91	27	0
San Diego (7)	36	31	1
San Francisco	28	64	13
San Jose	26	8	0
Seattle	14	1	2
Tampa	20	28	0
Toledo (1)	15	26	0
Tucson	15	6	0
Tulsa	16	19	0
Washington	24	302	0
Wichita (1)	17	9	1
	2,346	6,141	276

TABLE J-7

ARRESTS FOR HOMICIDE
1976

Agency	White	Black	Other
Akron	NR	NR	NR
Albuquerque	12	5	1
Atlanta	25	117	0
Austin	20	13	0
Baltimore	33	231	0
Birmingham	13	57	0
Boston	22	47	0
Buffalo	11	39	0
Charlotte	12	38	0
Chicago	141	862	166
Cincinnati	20	44	0
Cleveland	64	269	1
Columbus	13	34	0
Dallas	55	132	1
Denver	52	28	0
Detroit	82	436	1
El Paso	25	2	0
Fort Worth	22	24	0
Honolulu	12	2	26
Houston	66	112	0
Indianapolis	33	44	0
Jacksonville	21	44	0
Kansas City	20	88	1
Long Beach	47	42	0
Los Angeles	248	310	10
Louisville	37	49	0
Memphis	20	89	0
Miami	12	29	6
Milwaukee (8)	57	43	1
Minneapolis (5)	9	12	0
Nashville	NR	NR	NR
Newark	15	93	0
New Orleans	71	149	0
New York	550	584	11
Norfolk	15	39	0
Oakland	16	58	0
Oklahoma City	17	24	1
Omaha	4	15	0
Philadelphia	52	274	12
Phoenix	20	12	3
Pittsburgh	23	41	0
Portland	25	6	1
Rochester	7	41	1
Sacramento	40	35	4
St. Louis	15	199	0
St. Paul	1	6	0
San Antonio	62	22	0
San Diego (6)	36	31	1
San Francisco	32	47	7
San Jose	22	6	0
Seattle (1)	8	17	2
Tampa (1)	10	15	0
Toledo (7)	15	26	3
Tucson	21	8	0
Tulsa	9	14	0
Washington	10	228	0
Wichita	2	10	0
	2,302	5,242	260

TABLE J-8

ARRESTS FOR HOMICIDE
1977

Agency	White	Black	Other
Akron	NR	NR	NR
Albuquerque	22	4	1
Atlanta	23	97	0
Austin	15	14	0
Baltimore	15	182	0
Birmingham	10	45	0
Boston	17	47	1
Buffalo	16	21	0
Charlotte	8	31	0
Chicago	110	708	184
Cincinnati	13	47	0
Cleveland	83	210	1
Columbus	29	41	1
Dallas	49	113	1
Denver	38	28	1
Detroit	48	430	0
El Paso	25	3	0
Fort Worth	65	105	0
Honolulu	13	1	24
Houston	81	111	1
Indianapolis	22	59	0
Jacksonville	30	51	0
Kansas City	21	87	0
Long Beach	46	39	3
Los Angeles	280	328	8
Louisville (2)	20	31	0
Memphis (1)	27	143	0
Miami	13	29	6
Milwaukee	22	71	0
Minneapolis (4)	0	6	9
Nashville	NR	NR	NR
Newark	14	76	0
New Orleans	62	107	0
New York	491	517	7
Norfolk	20	36	0
Oakland	11	59	1
Oklahoma City	37	32	1
Omaha	7	33	3
Philadelphia	34	204	17
Phoenix	45	11	2
Pittsburgh	12	37	1
Portland	21	15	2
Rochester	7	32	3
Sacramento	19	14	1
St. Louis	37	163	0
St. Paul	4	6	2
San Antonio	74	19	0
San Diego (7)	36	31	1
San Francisco	43	71	14
San Jose	30	2	1
Seattle (7)	14	6	2
Tampa	11	11	0
Toledo	18	21	5
Tucson	22	6	0
Tulsa	9	10	4
Washington	9	187	0
Wichita	9	13	0
	2,257	4,801	308

TABLE J-9

ARRESTS FOR HOMICIDE
1978

Agency	White	Black	Other
Akron	NR	NR	NR
Albuquerque	24	5	1
Atlanta	22	100	0
Austin	32	15	0
Baltimore	22	164	1
Birmingham	7	41	0
Boston	29	29	0
Buffalo	11	18	2
Charlotte	8	34	0
Chicago	93	730	163
Cincinnati	12	43	0
Cleveland	51	173	0
Columbus	29	50	0
Dallas	74	123	0
Denver	42	32	2
Detroit	57	423	0
El Paso	29	1	0
Fort Worth	59	60	0
Honolulu	12	0	34
Houston	88	139	0
Indianapolis	28	66	0
Jacksonville	38	48	0
Kansas City	24	73	0
Long Beach	33	37	2
Los Angeles	306	325	6
Louisville	17	31	0
Memphis	29	104	0
Miami	15	37	0
Milwaukee	24	34	1
Minneapolis (7)	7	11	1
Nashville	NR	NR	NR
Newark	15	70	0
New Orleans	20	144	0
New York	528	549	5
Norfolk	10	38	1
Oakland	19	52	4
Oklahoma City	35	23	4
Omaha (7)	7	22	2
Philadelphia	48	216	16
Phoenix	52	16	3
Pittsburgh	12	42	1
Portland	15	8	4
Rochester (7)	7	32	2
Sacramento	36	26	1
St. Louis (2)	20	175	0
St. Paul	4	7	2
San Antonio	88	11	0
San Diego	36	31	1
San Francisco	36	37	11
San Jose	32	7	1
Seattle (1)	19	16	1
Tampa	9	14	0
Toledo	12	31	3
Tucson	14	2	0
Tulsa	13	17	2
Washington	6	159	0
Wichita	18	18	0
	2,333	4,719	277

TABLE J-10

ARRESTS FOR HOMICIDE
1979

Agency	White	Black	Other
Akron	NR	NR	NR
Albuquerque	23	9	1
Atlanta	30	125	0
Austin (1)	22	14	0
Baltimore	28	183	1
Birmingham	16	50	0
Boston	30	36	0
Buffalo	13	34	0
Charlotte	12	34	0
Chicago	90	676	192
Cincinnati (3)	17	32	0
Cleveland	96	224	0
Columbus	28	40	2
Dallas	76	146	0
Denver	51	21	7
Detroit	37	277	0
El Paso	44	3	0
Fort Worth	65	50	0
Honolulu	17	1	40
Houston	112	152	0
Indianapolis	23	63	0
Jacksonville	40	33	0
Kansas City	32	69	1
Long Beach	33	39	2
Los Angeles	378	397	12
Louisville	14	45	0
Memphis	10	97	0
Miami	26	36	0
Milwaukee	22	48	0
Minneapolis	5	11	2
Nashville	NR	NR	NR
Newark	22	78	0
New Orleans (2)	29	154	0
New York	504	532	8
Norfolk	11	44	0
Oakland	23	78	0
Oklahoma City	62	45	5
Omaha	20	16	0
Philadelphia	51	246	22
Phoenix	41	17	6
Pittsburgh	13	57	0
Portland	20	5	1
Rochester	6	21	4
Sacramento	33	10	2
St. Louis	13	206	0
St. Paul	14	4	1
San Antonio	100	23	0
San Diego	17	10	0
San Francisco	45	38	11
San Jose	20	8	2
Seattle (7)	14	10	2
Tampa	15	9	0
Toledo	14	32	5
Tucson	8	2	0
Tulsa	16	18	3
Washington (8)	6	164	0
Wichita (1)	2	18	2
	2,509	4,790	334

TABLE J-11

ARRESTS FOR ROBBERY
1975

Agency	White	Black	Other
Akron	NR	NR	NR
Albuquerque	194	35	11
Atlanta	181	877	0
Austin	106	122	0
Baltimore	312	3,410	5
Birmingham	128	394	0
Boston	324	793	29
Buffalo	105	594	7
Charlotte	46	238	0
Chicago	773	7,024	632
Cincinnati	184	680	1
Cleveland	278	1,489	1
Columbus	174	318	0
Dallas	326	782	11
Denver	496	323	31
Detroit	235	1,880	3
El Paso	157	24	0
Fort Worth	110	308	25
Honolulu (2)	110	38	330
Houston	318	680	0
Indianapolis	156	540	3
Jacksonville	208	328	2
Kansas City	201	1,016	2
Long Beach	235	413	4
Los Angeles	1,568	3,163	39
Louisville	247	370	0
Memphis (1)	80	480	1
Miami (1)	128	580	16
Milwaukee	317	798	33
Minneapolis (6)	127	131	78
Nashville	NR	NR	NR
Newark	121	1,048	0
New Orleans (1)	194	1,373	0
New York (7)	6,301	12,424	80
Norfolk	59	201	3
Oakland	84	668	27
Oklahoma City	224	278	39
Omaha	110	277	11
Philadelphia (1)	416	4,666	122
Phoenix (1)	350	252	41
Pittsburgh (1)	118	457	0
Portland (1)	203	161	16
Rochester	60	367	48
Sacramento	270	231	47
St. Louis	363	2,451	0
St. Paul (7)	101	84	17
San Antonio (3)	348	127	0
San Diego (6)	332	480	19
San Francisco	381	943	84
San Jose	246	62	1
Seattle	156	206	27
Tampa	128	186	0
Toledo (1)	217	307	4
Tucson	189	61	10
Tulsa	91	101	8
Washington	65	2,998	0
Wichita (1)	105	131	11
	19,056	58,368	1,879

TABLE J-12

ARRESTS FOR ROBBERY
1976

Agency	White	Black	Other
Akron	NR	NR	NR
Albuquerque	168	25	9
Atlanta	139	654	0
Austin	112	77	0
Baltimore	280	3,023	6
Birmingham	65	283	0
Boston	317	798	19
Buffalo	89	351	3
Charlotte	43	197	0
Chicago	484	3,884	408
Cincinnati	214	525	0
Cleveland	227	949	3
Columbus	151	232	4
Dallas	329	564	22
Denver	342	208	8
Detroit	198	1,998	7
El Paso	139	27	0
Fort Worth	137	191	7
Honolulu	118	28	494
Houston	312	502	0
Indianapolis	170	460	1
Jacksonville	154	307	0
Kansas City	191	705	0
Long Beach	244	327	12
Los Angeles	1,602	2,577	46
Louisville	173	314	0
Memphis	42	231	0
Miami	66	454	46
Milwaukee (7)	255	632	25
Minneapolis (5)	140	129	74
Nashville	NR	NR	NR
Newark	122	987	1
New Orleans	155	1,067	0
New York (7)	6,815	12,747	78
Norfolk	83	242	0
Oakland	95	536	33
Oklahoma City	195	228	30
Omaha (3)	60	155	8
Philadelphia	347	2,910	97
Phoenix	231	179	31
Pittsburgh	162	435	1
Portland	201	181	12
Rochester (1)	75	417	26
Sacramento	255	200	26
St. Louis (3)	379	2,892	0
St. Paul	83	94	23
San Antonio (1)	278	84	0
San Diego (6)	522	198	10
San Francisco	419	872	80
San Jose	161	62	1
Seattle (1)	94	180	29
Tampa (1)	105	193	0
Toledo (7)	161	262	10
Tucson	162	87	7
Tulsa	91	70	5
Washington	60	2,725	0
Wichita (1)	84	87	10
	18,296	48,472	1,712

TABLE J-13

ARRESTS FOR ROBBERY
1977

Agency	White	Black	Other
Akron	NR	NR	NR
Albuquerque	163	29	11
Atlanta	156	626	0
Austin	99	72	0
Baltimore	321	2,804	3
Birmingham	63	280	0
Boston	365	691	5
Buffalo	51	215	2
Charlotte	44	129	0
Chicago	742	5,325	699
Cincinnati	133	365	0
Cleveland	233	782	1
Columbus	162	211	0
Dallas	260	633	10
Denver	288	214	7
Detroit	170	1,670	0
El Paso	183	44	0
Fort Worth	156	209	0
Honolulu	95	24	413
Houston	359	535	1
Indianapolis	138	411	3
Jacksonville	195	273	0
Kansas City	146	545	0
Long Beach	256	298	22
Los Angeles	1,632	2,551	55
Louisville	135	299	1
Memphis (1)	77	314	0
Miami	74	527	46
Milwaukee	211	577	24
Minneapolis (4)	115	133	82
Nashville	NR	NR	NR
Newark	99	797	1
New Orleans (2)	163	1,237	0
New York	6,380	11,931	80
Norfolk	69	171	0
Oakland	84	540	15
Oklahoma City	204	187	39
Omaha	87	169	5
Philadelphia (1)	408	2,714	93
Phoenix	250	159	29
Pittsburgh	150	529	6
Portland	232	227	24
Rochester	35	321	17
Sacramento	263	206	23
St. Louis	261	1,688	1
St. Paul	122	75	13
San Antonio	316	86	0
San Diego (7)	440	390	13
San Francisco	350	781	83
San Jose	172	54	5
Seattle (7)	121	183	27
Tampa	114	157	0
Toledo	138	252	14
Tucson	210	50	4
Tulsa	123	88	4
Washington	62	1,956	0
Wichita	100	150	18
	17,975	45,884	1,899

TABLE J-14

ARRESTS FOR ROBBERY
1978

Agency	White	Black	Other
Akron	NR	NR	NR
Albuquerque	139	49	10
Atlanta	170	672	0
Austin	108	83	2
Baltimore	273	2,897	9
Birmingham	71	301	0
Boston	310	683	8
Buffalo	99	278	5
Charlotte	39	180	0
Chicago	595	5,083	597
Cincinnati	153	421	0
Cleveland	229	648	3
Columbus	161	224	1
Dallas	314	597	8
Denver	276	217	4
Detroit	140	1,742	0
El Paso	191	38	0
Fort Worth	156	237	0
Honolulu	116	40	475
Houston	306	549	1
Indianapolis	149	329	1
Jacksonville	187	272	0
Kansas City	124	415	0
Long Beach	263	325	13
Los Angeles	1,829	2,560	57
Louisville	165	287	0
Memphis	111	507	0
Miami	91	520	0
Milwaukee	238	522	18
Minneapolis (7)	127	131	78
Nashville	NR	NR	NR
Newark	119	774	0
New Orleans	122	1,178	1
New York	5,710	12,596	82
Norfolk	37	166	1
Oakland	55	533	9
Oklahoma City	208	222	55
Omaha (7)	86	200	8
Philadelphia	493	3,398	73
Phoenix	375	186	34
Pittsburgh	195	545	0
Portland	256	209	40
Rochester (7)	57	190	30
Sacramento	209	170	6
St. Louis (2)	167	1,067	0
St. Paul	99	85	17
San Antonio	268	114	0
San Diego	467	493	14
San Francisco	393	796	91
San Jose	238	102	7
Seattle (1)	112	164	24
Tampa	110	157	0
Toledo	128	229	13
Tucson	187	64	10
Tulsa	122	92	16
Washington	53	1,675	0
Wichita	109	168	3
	17,505	46,390	1,824

TABLE J-15

ARRESTS FOR ROBBERY
1979

Agency	White	Black	Other
Akron	NR	NR	NR
Albuquerque	171	22	8
Atlanta	110	781	0
Austin (1)	96	72	0
Baltimore	301	1,783	8
Birmingham	59	371	0
Boston	346	848	6
Buffalo	120	298	3
Charlotte	35	172	0
Chicago	574	5,110	709
Cincinnati (3)	156	437	0
Cleveland	252	660	1
Columbus	200	260	1
Dallas	340	735	4
Denver	265	212	11
Detroit	82	1,181	0
El Paso	241	29	0
Fort Worth	148	279	0
Honolulu	134	20	422
Houston	353	564	2
Indianapolis	195	279	0
Jacksonville	218	353	0
Kansas City	185	588	1
Long Beach	248	409	9
Los Angeles	2,190	3,217	59
Louisville	187	294	1
Memphis	132	524	0
Miami	148	589	2
Milwaukee	279	589	23
Minneapolis	101	161	62
Nashville	NR	NR	NR
Newark	111	746	0
New Orleans (2)	105	1,408	0
New York	6,091	12,943	113
Norfolk	72	204	1
Oakland	100	578	12
Oklahoma City	211	277	29
Omaha	115	214	17
Philadelphia	532	3,861	71
Phoenix	402	217	41
Pittsburgh	154	545	2
Portland	222	163	34
Rochester	45	273	24
Sacramento	221	176	16
St. Louis	183	1,208	0
St. Paul	107	121	19
San Antonio	337	98	0
San Diego	439	459	5
San Francisco	456	828	73
San Jose	307	114	21
Seattle (7)	121	183	27
Tampa	117	152	0
Toledo	163	297	13
Tucson	208	49	11
Tulsa	113	102	16
Washington (8)	70	1,820	0
Wichita (1)	164	94	1

TABLE J-16

ARRESTS FOR VIOLENT CRIME
1975

Agency	White	Black	Other
Akron	NR	NR	NR
Albuquerque	699	99	49
Atlanta	577	2,695	
Austin	278	253	0
Baltimore	873	5,652	19
Birmingham	276	782	0
Boston	1,203	1,766	136
Buffalo	258	938	24
Charlotte	228	718	0
Chicago	1,735	11,306	1,318
Cincinnati	535	1,314	3
Cleveland	725	2,847	3
Columbus	371	562	0
Dallas	975	782	1
Denver	1,039	618	45
Detroit	599	3,833	5
El Paso	539	81	0
Fort Worth	199	433	57
Honolulu (2)	169	62	536
Houston	657	1,131	1
Indianapolis	360	931	10
Jacksonville	742	973	3
Kansas City	597	1,825	3
Long Beach	585	690	36
Los Angeles	5,748	8,118	183
Louisville	751	901	1
Memphis (1)	165	902	2
Miami (1)	369	1,195	48
Milwaukee	756	1,461	57
Minneapolis (6)	261	394	151
Nashville	NR	NR	NR
Newark	362	2,418	0
New Orleans (1)	497	2,457	0
New York (7)	16,384	23,410	248
Norfolk	218	564	8
Oakland	292	1,694	69
Oklahoma City	681	724	54
Omaha	322	1,066	31
Philadelphia (1)	1,111	8,003	322
Phoenix (1)	1,023	518	87
Pittsburgh (1)	399	842	2
Portland (1)	551	345	64
Rochester	148	663	83
Sacramento	813	571	82
St. Louis	1,111	5,185	2
St. Paul (7)	357	224	67
San Antonio (3)	891	251	0
San Diego (6)	994	688	19
San Francisco	1,465	2,128	278
San Jose	738	178	7
Seattle	294	313	43
Tampa	368	601	0
Toledo (1)	395	489	5
Tucson	586	169	33
Tulsa	267	192	17
Washington	209	5,427	0
Wichita (1)	249	250	24
	52,994	112,632	4,236

TABLE J-17

ARRESTS FOR VIOLENT CRIME
1976

Agency	White	Black	Other
Akron	NR	NR	NR
Albuquerque	506	84	34
Atlanta	451	2,042	0
Austin	279	203	0
Baltimore	755	5,254	27
Birmingham	170	595	0
Boston	1,168	1,786	81
Buffalo	239	660	7
Charlotte	223	715	0
Chicago	999	6,551	884
Cincinnati	499	1,087	4
Cleveland	689	2,108	8
Columbus	303	417	8
Dallas	992	1,657	39
Denver	925	514	32
Detroit	634	3,988	9
El Paso	494	76	0
Fort Worth	284	322	23
Honolulu	192	48	766
Houston	668	949	1
Indianapolis	380	812	3
Jacksonville	638	932	4
Kansas City	459	1,277	1
Long Beach	666	548	27
Los Angeles	5,875	7,099	210
Louisville	632	800	0
Memphis	78	401	0
Miami	221	1,034	146
Milwaukee (7)	697	1,270	51
Minneapolis (5)	225	238	117
Nashville	NR	NR	NR
Newark	369	2,288	1
New Orleans	498	2,144	0
New York (7)	16,384	23,410	248
Norfolk	221	513	3
Oakland	322	1,574	68
Oklahoma City	829	708	71
Omaha (3)	281	380	37
Philadelphia	1,048	5,584	244
Phoenix	884	378	80
Pittsburgh	431	820	4
Portland	611	398	53
Rochester (1)	164	740	48
Sacramento	910	524	66
St. Louis (3)	1,361	6,021	3
St. Paul	334	220	64
San Antonio (1)	765	202	0
San Diego (6)	1,391	1,096	49
San Francisco	1,485	1,967	221
San Jose	616	136	12
Seattle (1)	239	298	61
Tampa (1)	377	628	0
Toledo	NR	NR	NR
Tucson	589	181	21
Tulsa	323	233	21
Washington	160	5,052	0
Wichita (1)	168	229	22
	51,101	99,191	3,879

TABLE J-18

ARRESTS FOR VIOLENT CRIME
1977

Agency	White	Black	Other
Akron	NR	NR	NR
Albuquerque	658	86	52
Atlanta	599	2,366	0
Austin	283	186	0
Baltimore	962	4,927	28
Birmingham	119	528	0
Boston	1,155	1,766	39
Buffalo	232	552	7
Charlotte	261	687	0
Chicago	1,066	7,107	1,066
Cincinnati	370	844	1
Cleveland	605	1,777	6
Columbus	327	399	3
Dallas	1,006	1,714	24
Denver	808	559	24
Detroit	589	3,682	1
El Paso	529	82	0
Fort Worth	509	528	1
Honolulu	191	49	576
Houston	697	989	6
Indianapolis	310	707	5
Jacksonville	848	897	1
Kansas City	413	1,035	2
Long Beach	668	550	65
Los Angeles	5,752	6,776	215
Louisville (2)	463	674	2
Memphis (1)	490	1,345	0
Miami	373	1,328	150
Milwaukee	610	1,264	60
Minneapolis (4)	176	248	114
Nashville	NR	NR	NR
Newark	430	2,119	3
New Orleans (2)	551	2,410	1
New York	16,501	23,091	206
Norfolk	274	570	4
Oakland	288	1,618	41
Oklahoma City	791	647	112
Omaha	281	422	33
Philadelphia (1)	1,240	5,443	266
Phoenix	967	362	83
Pittsburgh	501	1,021	8
Portland	632	464	65
Rochester	129	633	50
Sacramento	947	619	59
St. Louis	1,132	4,260	4
St. Paul	376	221	66
San Antonio	849	211	0
San Diego (7)	1,179	943	33
San Francisco	1,339	1,804	226
San Jose	641	150	15
Seattle (7)	271	321	55
Tampa	495	648	0
Toledo	286	462	27
Tucson	681	157	24
Tulsa	367	265	39
Washington	154	3,964	0
Wichita	278	355	37
	52,649	96,832	3,905

TABLE J-19

ARRESTS FOR VIOLENT CRIME
1978

Agency	White	Black	Other
Akron	NR	NR	NR
Albuquerque	554	83	32
Atlanta	670	2,776	
Austin	316	197	2
Baltimore	805	5,159	25
Birmingham	120	481	0
Boston	1,307	1,772	37
Buffalo	405	677	29
Charlotte	234	684	0
Chicago	933	7,079	982
Cincinnati	386	861	0
Cleveland	609	1,446	3
Columbus	323	404	2
Dallas	1,153	1,751	25
Denver	723	538	8
Detroit	581	3,982	0
El Paso	773	88	2
Fort Worth	572	507	1
Honolulu	179	68	682
Houston	639	1,061	1
Indianapolis	252	590	7
Jacksonville	906	1,008	1
Kansas City	350	808	1
Long Beach	781	616	41
Los Angeles	6,023	6,778	266
Louisville	462	644	1
Memphis	809	2,135	2
Miami	634	1,495	6
Milwaukee	725	1,084	35
Minneapolis	NR	NR	NR
Nashville	NR	NR	NR
Newark	438	1,915	0
New Orleans	357	2,513	2
New York	16,268	23,729	289
Norfolk	453	915	20
Oakland	313	1,544	60
Oklahoma City	1,054	875	160
Omaha	NR	NR	NR
Philadelphia	1,607	6,700	232
Phoenix	1,157	429	97
Pittsburgh	506	976	4
Portland	636	453	84
Rochester	NR	NR	NR
Sacramento	824	498	54
St. Louis (2)	863	3,022	2
St. Paul	362	230	72
San Antonio	782	212	0
San Diego	1,151	1,046	32
San Francisco	1,488	1,866	247
San Jose	932	245	28
Seattle (1)	279	352	60
Tampa	529	682	1
Toledo	310	437	41
Tucson	604	170	23
Tulsa	483	324	62
Washington	151	3,449	0
Wichita	310	338	9
	54,081	97,592	3,770

TABLE J-20

ARRESTS FOR VIOLENT CRIME
1979

Agency	White	Black	Other
Akron	NR	NR	NR
Albuquerque	650	83	34
Atlanta	606	2,912	0
Austin (1)	335	209	0
Baltimore	1,122	4,793	31
Birmingham	99	518	0
Boston	1,439	2,061	28
Buffalo	482	818	11
Charlotte	253	815	0
Chicago	1,041	7,482	1,210
Cincinnati (3)	460	913	0
Cleveland	887	1,835	4
Columbus	591	639	6
Dallas	1,208	1,984	11
Denver	828	544	48
Detroit	378	2,969	1
El Paso	1,109	115	4
Fort Worth	636	680	1
Honolulu	233	47	633
Houston	736	1,056	2
Indianapolis	658	747	5
Jacksonville	1,010	1,085	3
Kansas City	419	1,096	7
Long Beach	818	772	69
Los Angeles	7,039	8,035	240
Louisville	573	726	3
Memphis	888	2,324	2
Miami	599	1,417	6
Milwaukee	721	1,256	38
Minneapolis	643	547	250
Nashville	NR	NR	NR
Newark	354	1,732	0
New Orleans (2)	349	2,664	0
New York	15,842	23,817	358
Norfolk	309	685	8
Oakland	366	1,756	53
Oklahoma City	1,400	1,034	167
Omaha	274	433	20
Philadelphia	1,524	6,994	206
Phoenix	1,430	499	122
Pittsburgh	573	979	3
Portland	660	418	79
Rochester	148	575	62
Sacramento	861	523	47
St. Louis	1,576	4,226	3
St. Paul	365	309	77
San Antonio	882	213	0
San Diego	1,036	873	27
San Francisco	687	1,092	190
San Jose	1,029	285	55
Seattle (7)	271	321	55
Tampa	662	778	0
Toledo	364	555	35
Tucson	724	156	27
Tulsa	403	291	48
Washington (8)	194	3,576	0
Wichita	333	254	14
	59,077	103,516	4,303

TABLE J-21

ARRESTS FOR WEAPONS VIOLATIONS
1975

Agency	White	Black	Other
Akron	NR	NR	NR
Albuquerque	410	45	14
Atlanta	475	1,056	0
Austin	243	121	1
Baltimore	536	1,890	3
Birmingham	201	395	0
Boston	166	177	20
Buffalo	109	357	5
Charlotte	85	150	0
Chicago	1,420	8,764	1,182
Cincinnati	257	332	1
Cleveland	205	921	1
Columbus	295	338	0
Dallas	628	782	1
Denver	597	315	12
Detroit	471	2,149	1
El Paso	241	38	0
Fort Worth	183	213	26
Honolulu (2)	172	54	324
Houston	922	1,130	1
Indianapolis	277	431	3
Jacksonville	419	501	2
Kansas City	315	639	1
Long Beach	157	106	7
Los Angeles	1,119	1,430	30
Louisville	296	384	0
Memphis (1)	445	1,058	9
Miami (1)	208	377	14
Milwaukee	427	579	26
Minneapolis (6)	180	160	60
Nashville	NR	NR	NR.
Newark	166	703	0
New Orleans (1)	684	879	0
New York (7)	3,352	3,140	69
Norfolk	100	186	0
Oakland	142	476	18
Oklahoma City	358	244	25
Omaha	106	152	5
Philadelphia (1)	422	2,348	107
Phoenix (1)	566	208	31
Pittsburgh (1)	107	257	1
Portland (1)	205	118	20
Rochester	71	175	19
Sacramento	153	66	7
St. Louis	336	1,421	1
St. Paul (7)	68	35	10
San Antonio (3)	757	215	0
San Diego (6)	321	200	23
San Francisco	445	512	64
San Jose	284	36	3
Seattle	197	144	33
Tampa	212	216	0
Toledo (1)	357	415	2
Tucson	206	57	26
Tulsa	169	75	7
Washington	137	1,483	0
Wichita (1)	144	81	11
	21,524	38,734	2,226

TABLE J-22

ARRESTS FOR WEAPONS VIOLATIONS
1976

Agency	White	Black	Other
Akron	NR	NR	NR
Albuquerque	245	30	11
Atlanta	242	545	0
Austin	225	85	0
Baltimore	601	1,637	8
Birmingham	221	419	0
Boston	146	159	18
Buffalo	121	310	1
Charlotte	102	124	0
Chicago	1,389	7,541	1,178
Cincinnati	192	253	0
Cleveland	182	700	1
Columbus	268	252	8
Dallas	805	917	10
Denver	537	250	14
Detroit	634	2,598	0
El Paso	236	42	0
Fort Worth	206	175	1
Honolulu	180	31	284
Houston	818	902	2
Indianapolis	260	405	0
Jacksonville	357	357	2
Kansas City	302	618	2
Long Beach	144	72	7
Los Angeles	1,238	1,235	25
Louisville	223	288	0
Memphis	306	847	2
Miami	118	249	74
Milwaukee (7)	480	628	27
Minneapolis (5)	149	132	46
Nashville	NR	NR	NR
Newark	180	507	0
New Orleans	509	858	0
New York (7)	3,352	3,140	69
Norfolk	148	219	2
Oakland	128	462	15
Oklahoma City	297	224	21
Omaha (3)	143	172	1
Philadelphia	380	1,424	73
Phoenix	485	196	26
Pittsburgh	117	260	0
Portland	260	137	21
Rochester (1)	48	190	27
Sacramento	186	95	17
St. Louis (3)	336	1,201	0
St. Paul	81	37	8
San Antonio (1)	655	191	0
San Diego (6)	476	125	11
San Francisco	443	527	63
San Jose	219	40	6
Seattle (1)	269	172	45
Tampa (1)	152	121	1
Toledo (7)	260	297	21
Tucson	216	45	10
Tulsa	168	89	6
Washington	152	1,313	0
Wichita (1)	83	88	11
	20,670	33,931	2,175

TABLE J-23

ARRESTS FOR WEAPONS VIOLATIONS
1977

Agency	White	Black	Other
Akron	NR	NR	NR
Albuquerque	299	43	19
Atlanta	315	657	0
Austin	223	98	0
Baltimore	603	1,417	13
Birmingham	200	440	0
Boston	133	170	4
Buffalo	56	110	0
Charlotte	103	180	0
Chicago	1,273	6,388	1,375
Cincinnati	156	163	0
Cleveland	244	543	2
Columbus	222	233	4
Dallas	858	893	4
Denver	587	297	27
Detroit	426	2,261	0
El Paso	325	36	0
Fort Worth	174	130	0
Honolulu	149	31	293
Houston	949	975	5
Indianapolis	182	351	2
Jacksonville	286	296	1
Kansas City	321	599	0
Long Beach	134	98	1
Los Angeles	1,172	1,132	45
Louisville (2)	176	253	0
Memphis (1)	384	793	1
Miami	129	189	61
Milwaukee	507	678	32
Minneapolis (4)	146	101	29
Nashville	NR	NR	NR
Newark	175	479	2
New Orleans (2)	467	940	0
New York	3,428	3,162	61
Norfolk	214	233	2
Oakland	141	463	20
Oklahoma City	244	154	28
Omaha	84	142	3
Philadelphia (1)	316	1,196	65
Phoenix	564	202	31
Pittsburgh	147	272	1
Portland	334	149	12
Rochester	70	170	23
Sacramento	239	96	14
St. Louis	290	819	1
St. Paul	65	35	16
San Antonio	642	163	0
San Diego (7)	416	177	16
San Francisco	570	577	91
San Jose	275	48	7
Seattle (7)	258	170	37
Tampa	143	136	0
Toledo	240	293	35
Tucson	290	51	9
Tulsa	179	105	8
Washington	164	1,095	0
Wichita	116	83	13
	20,803	30,965	2,413

TABLE J-24

ARRESTS FOR WEAPONS VIOLATIONS
1978

Agency	White	Black	Other
Akron	NR	NR	NR
Albuquerque	210	28	6
Atlanta	389	814	0
Austin	270	112	0
Baltimore	496	1,413	11
Birmingham	253	644	0
Boston	130	136	3
Buffalo	115	167	4
Charlotte	98	196	0
Chicago	1,201	6,066	1,344
Cincinnati	139	174	0
Cleveland	264	458	0
Columbus	223	250	2
Dallas	871	980	11
Denver	754	259	17
Detroit	439	2,240	1
El Paso	773	37	3
Fort Worth	217	147	1
Honolulu	154	36	263
Houston	962	977	3
Indianapolis	171	352	2
Jacksonville	252	245	1
Kansas City	261	412	3
Long Beach	176	123	6
Los Angeles	1,408	1,024	40
Louisville	229	247	0
Memphis	286	754	0
Miami	176	162	0
Milwaukee	508	628	22
Minneapolis (7)	158	131	45
Nashville	NR	NR	NR
Newark	153	418	2
New Orleans	659	1,038	0
New York	3,277	3,118	78
Norfolk	200	237	7
Oakland	128	403	11
Oklahoma City	395	196	20
Omaha (7)	111	155	3
Philadelphia	370	1,368	57
Phoenix	612	197	21
Pittsburgh	174	280	1
Portland	422	177	11
Rochester (7)	63	178	23
Sacramento	224	94	11
St. Louis (2)	236	756	1
St. Paul	57	34	7
San Antonio	634	166	0
San Diego	450	205	15
San Francisco	607	588	79
San Jose	368	63	4
Seattle (1)	308	195	33
Tampa	149	129	0
Toledo	182	183	27
Tucson	188	34	7
Tulsa	119	67	12
Washington	139	920	0
Wichita	125	74	3
	21,933	30,485	2,221

TABLE J-25

ARRESTS FOR WEAPONS VIOLATIONS
1979

Agency	White	Black	Other
Akron	NR	NR	NR
Albuquerque	205	29	9
Atlanta	335	775	0
Austin (1)	320	129	0
Baltimore	426	1,412	14
Birmingham	219	456	0
Boston	134	161	1
Buffalo	77	170	2
Charlotte	153	169	0
Chicago	1,258	6,152	1,682
Cincinnati (3)	165	159	1
Cleveland	271	475	1
Columbus	270	263	2
Dallas	994	955	5
Denver	1,048	349	29
Detroit	210	1,315	0
El Paso	436	38	5
Fort Worth	268	200	1
Honolulu	170	37	296
Houston	1,211	1,088	8
Indianapolis	108	245	0
Jacksonville	283	238	0
Kansas City	341	488	8
Long Beach	224	110	7
Los Angeles	1,790	1,390	51
Louisville	242	222	1
Memphis	331	754	4
Miami	244	260	0
Milwaukee	589	774	35
Minneapolis	126	89	38
Nashville	NR	NR	NR
Newark	139	409	1
New Orleans (2)	670	1,169	2
New York	3,526	3,243	79
Norfolk	218	308	4
Oakland	129	514	13
Oklahoma City	417	305	23
Omaha	186	168	9
Philadelphia	374	1,385	75
Phoenix	547	150	27
Pittsburgh	173	279	0
Portland	352	138	14
Rochester	82	225	34
Sacramento	267	78	13
St. Louis	244	966	1
St. Paul	81	30	11
San Antonio	670	158	0
San Diego	526	218	18
San Francisco	625	548	77
San Jose	459	110	18
Seattle (7)	258	170	37
Tampa	130	88	0
Toledo	199	193	28
Tucson	183	36	6
Tulsa	146	97	10
Washington (8)	134	996	0
Wichita (1)	152	108	2
	23,335	30,991	2,702

APPENDIX K

RESPONSES TO USE OF DEADLY FORCE SURVEY

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TABLE K-1

NEW POLICE CHIEF EXECUTIVE
BY YEAR AND MONTH OF CHANGE

Agency	1979	1978	1977	1976	1975
Akron	0	0	6	0	0
Albuquerque	0	0	0	0	0
Austin	1	0	0	4	0
Baltimore	0	0	0	0	0
Birmingham	0	10	0	0	0
Boston	0	0	0	11	0
Buffalo	0	1	0	0	0
Charlotte	0	0	0	0	0
Chicago	8	4	12	12	12
Cincinnati	0	0	0	7	0
Cleveland	11	3	5	0	5
Columbus	0	0	0	0	0
Dallas	5	0	0	0	0
Denver	0	0	0	0	0
Detroit	0	0	0	9	0
El Paso	0	0	6	0	0
Fort Worth	4	0	0	6	0
Honolulu	0	0	0	0	0
Houston	0	0	6	1	7
Indianapolis	0	0	0	0	12
Jacksonville	0	0	0	0	0
Kansas City	0	2	0	10	0
Long Beach	10	0	5	0	6
Los Angeles	0	3	0	0	0
Louisville	0	0	12	0	0
Memphis	0	0	0	9	0
Miami	0	3	0	0	6
Minneapolis	8	1	0	1	0
Nashville	0	0	0	0	6
Newark	0	1	0	0	0
New Orleans	0	7	0	0	0
New York	0	1	0	0	0
Norfolk	0	0	0	10	0
Oakland	0	0	0	0	0
Oklahoma City	0	0	4	0	6
Omaha	0	0	0	0	0
Philadelphia	0	0	0	0	0
Phoenix	0	0	0	0	0
Portland	0	0	0	0	0
Rochester	0	0	0	0	0
Sacramento	0	0	5	0	0
St. Louis	0	0	0	0	0
St. Paul	0	0	0	0	0
San Antonio	0	0	0	0	0
San Diego	0	0	0	2	0
San Francisco	12	0	0	1	0
San Jose	0	0	0	10	0
Seattle	2	4	0	0	0
Tampa	3	0	0	0	0
Toledo	0	7	0	0	0
Tucson	0	0	0	0	0
Tulsa	0	2	0	0	0
Washington	0	1	0	0	0
Wichita	0	0	0	9	0

TABLE K-2

NUMBER OF POLICE OFFICERS AND SUPERVISORS

Agency	Number Sworn Officers	Ratio Officers to 1,000 Population	Number Sworn Supervisors	Ratio Officers to Supervisors
Akron	432	1.76	60	7.20
Albuquerque	506	1.68	60	8.43
Austin	565	1.67	59	9.58
Baltimore	3,171	4.00	223	14.22
Birmingham	494	1.72	53	9.32
Boston	2,160	3.60	181	11.93
Buffalo	1,070	2.79	102	10.49
Charlotte	594	1.97	61	9.74
Chicago	12,821	4.19	1,324	9.68
Cincinnati	991	2.45	127	7.80
Cleveland	1,895	3.15	167	11.35
Columbus	1,177	2.20	136	8.65
Dallas	1,974	2.24	274	7.20
Denver	1,380	2.84	75	18.40
Detroit	4,192	3.33	902	4.65
El Paso	678	1.64	72	9.42
Fort Worth	687	1.78	80	8.59
Honolulu	1,508	2.05	217	6.95
Houston	2,971	1.83	256	11.61
Indianapolis	1,050	2.04	48	21.88
Jacksonville	913	1.67	58	15.74
Kansas City	1,184	2.56	218	5.43
Long Beach	603	1.73	51	11.82
Los Angeles	6,639	2.32	569	11.67
Louisville	737	2.45	64	11.52
Memphis	1,213	1.78	50	24.26
Miami	664	1.83	124	5.35
Minneapolis	721	1.98	70	10.30
Nashville	918	2.07	54	17.00
Newark	1,184	3.75	38	31.16
New Orleans	1,398	2.46	17	82.24
New York	22,754	3.20	2,322	9.80
Norfolk	586	2.07	59	9.93
Oakland	632	1.83	24	26.33
Oklahoma City	700	1.84	36	19.44
Omaha	543	1.47	107	5.07
Philadelphia	7,344	4.18	408	18.00
Phoenix	1,615	2.25	124	13.02
Portland	648	1.59	78	8.31
Rochester	644	2.56	70	9.20
Sacramento	511	1.86	22	23.23
St. Louis	1,974	3.91	150	13.16
St. Paul	535	1.99	34	15.74
San Antonio	1,092	1.32	NR	-----
San Diego	1,405	1.69	147	9.56
San Francisco	1,682	2.55	233	7.22
San Jose	793	1.31	62	12.79
Seattle	1,060	2.03	112	9.46
Tampa	578	2.09	33	17.52
Toledo	745	2.07	93	8.01
Tucson	578	1.83	79	7.32
Tulsa	697	2.03	76	9.17
Washington	4,034	6.15	NR	-----
Wichita	398	1.45	41	9.71
Mean		2.35		13.38

TABLE K-3

EDUCATION REQUIREMENTS FOR POLICE RECRUITS
1980

Agency	Requirement
Akron	High School
Albuquerque	GED or High School
Austin	GED
Baltimore	GED
Birmingham	GED or High School
Boston	GED or High School
Buffalo	GED or High School
Charlotte	GED or High School
Chicago	GED or High School
Cincinnati	GED or High School
Cleveland	GED or High School
Columbus	High School
Dallas	1 yr. College
Denver	GED or High School
Detroit	GED or High School
El Paso	GED or High School
Fort Worth	1 yr. College
Honolulu	GED or High School
Houston	GED
Indianapolis	GED or High School
Jacksonville	GED
Kansas City	GED or High School
Long Beach	GED or High School
Los Angeles	GED
Louisville	GED or High School
Memphis	2 yrs. College
Miami	High School
Minneapolis	2 yrs. College
Nashville	GED
Newark	GED or High School
New Orleans	GED or High School
New York	GED or High School
Norfolk	GED or High School
Oakland	High School
Oklahoma City	GED or High School
Omaha	GED or High School
Philadelphia	None Specified
Phoenix	GED
Portland	2 yrs. College
Rochester	GED
Sacramento	2 yrs. College
St. Louis	GED
St. Paul	GED
San Antonio	GED
San Diego	GED
San Francisco	GED or High School
San Jose	GED or High School
Seattle	GED or High School
Tampa	GED
Toledo	High School
Tucson	GED or High School
Tulsa	2 yrs. College
Washington	GED or High School
Wichita	GED or High School

TABLE K-4

AVERAGE YEARS OF EDUCATION OF SWORN OFFICERS
1975-1979

Agency	1979	1978	1977	1976	1975
Akron	NR	NR	NR	NR	NR
Albuquerque	14	14	14	14	14
Austin	13	13	13	13	NR
Baltimore	13	13	13	12	12
Birmingham	13	13	NR	NR	NR
Boston	NR	NR	NR	NR	NR
Buffalo	NR	NR	NR	NR	NR
Charlotte	NR	NR	NR	NR	NR
Chicago	13	NR	NR	NR	NR
Cincinnati	NR	NR	12	NR	NR
Cleveland	NR	NR	NR	NR	NR
Columbus	NR	NR	NR	NR	NR
Dallas	15	15	14	14	14
Denver	NR	NR	NR	NR	NR
Detroit	NR	NR	NR	NR	NR
El Paso	13	13	13	13	12
Fort Worth	14	14	13	NR	NR
Honolulu	NR	NR	NR	NR	NR
Houston	NR	NR	NR	NR	NR
Indianapolis	NR	NR	NR	NR	NR
Jacksonville	NR	13	NR	NR	13
Kansas City	NR	NR	NR	NR	NR
Long Beach	NR	NR	NR	NR	NR
Los Angeles	NR	NR	NR	NR	NR
Louisville	13	NR	NR	NR	NR
Memphis	NR	NR	NR	NR	NR
Miami	NR	NR	NR	NR	NR
Minneapolis	NR	NR	NR	NR	NR
Nashville	14	14	14	14	14
Newark	NR	NR	NR	NR	NR
New Orleans	NR	NR	NR	NR	NR
New York	NR	NR	NR	NR	NR
Norfolk	13	NR	NR	NR	NR
Oakland	13	NR	NR	NR	NR
Oklahoma City	14	14	14	13	13
Omaha	12	12	12	12	12
Philadelphia	12	12	12	12	12
Phoenix	12	NR	NR	NR	NR
Portland	NR	NR	NR	NR	NR
Rochester	NR	NR	NR	NR	NR
Sacramento	15	NR	NR	NR	NR
St. Louis	13	NR	NR	NR	NR
St. Paul	NR	NR	NR	NR	NR
San Antonio	14	13	13	12	12
San Diego	13	NR	NR	NR	NR
San Francisco	NR	NR	NR	NR	NR
San Jose	15	15	15	15	15
Seattle	14	NR	NR	NR	NR
Tampa	13	13	12	12	12
Toledo	NR	NR	NR	NR	NR
Tucson	14	14	14	14	13
Tulsa	15	15	15	15	14
Washington	12	12	12	12	12
Wichita	NR	NR	NR	NR	NR

NR = No Response

TABLE K-5

AVERAGE AGE OF SWORN NONSUPERVISORY OFFICERS

Agency	1979	1978	1977	1976	1975	Five-Year Average
Akron	32	31	30	29	28	30.0
Albuquerque	NR	NR	31	NR	NR	31.0
Austin	34	NR	NR	34	NR	34.0
Baltimore	NR	NR	NR	NR	NR	----
Birmingham	31	NR	30	NR	NR	30.5
Boston	46	NR	NR	NR	NR	46.0
Buffalo	NR	NR	NR	NR	NR	----
Charlotte	33	NR	NR	33	34	33.3
Chicago	39	NR	NR	NR	NR	39.0
Cincinnati	NR	NR	NR	NR	NR	----
Cleveland	37	36	40	NR	NR	37.6
Columbus	NR	NR	NR	NR	NR	----
Dallas	33	NR	NR	NR	NR	33.0
Denver	NR	NR	NR	NR	NR	----
Detroit	33	31	31	31	31	31.4
El Paso	27	26	27	26	26	26.4
Fort Worth	NR	NR	NR	NR	NR	----
Honolulu	NR	NR	NR	NR	NR	----
Houston	NR	NR	NR	NR	NR	----
Indianapolis	NR	NR	NR	NR	NR	----
Jacksonville	NR	33	NR	NR	31	32.0
Kansas City	35	36	35	34	32	34.4
Long Beach	NR	NR	NR	NR	NR	----
Los Angeles	33	32	32	31	31	31.8
Louisville	28	27	26	25	25	26.2
Memphis	36	NR	NR	NR	NR	36.0
Miami	NR	NR	NR	NR	NR	----
Minneapolis	NR	NR	NR	NR	NR	----
Nashville	25	24	24	24	24	24.2
Newark	NR	NR	NR	NR	NR	----
New Orleans	NR	NR	NR	NR	NR	----
New York	39	39	38	38	38	38.4
Norfolk	28	NR	NR	NR	NR	28.0
Oakland	33	NR	NR	NR	NR	33.0
Oklahoma City	31	31	30	30	29	30.2
Omaha	34	34	33	33	33	33.4
Philadelphia	NR	NR	NR	NR	NR	----
Phoenix	31	NR	NR	NR	NR	31.0
Portland	NR	NR	NR	NR	NR	----
Rochester	NR	NR	NR	NR	NR	----
Sacramento	NR	NR	NR	NR	NR	----
St. Louis	31	NR	NR	NR	NR	31.0
St. Paul	NR	NR	NR	NR	NR	----
San Antonio	33	NR	NR	NR	NR	33.0
San Diego	NR	NR	NR	NR	NR	----
San Francisco	NR	NR	NR	NR	NR	----
San Jose	30	29	29	27	27	28.4
Seattle	33	NR	NR	NR	NR	33.0
Tampa	27	27	NR	NR	NR	27.0
Toledo	NR	NR	NR	NR	NR	----
Tucson	NR	NR	NR	NR	NR	----
Tulsa	NR	NR	NR	NR	NR	----
Washington	NR	NR	NR	NR	NR	----
Wichita	29	28	30	NR	NR	29.0

NR = No Response

TABLE K-6

PSYCHOLOGICAL OR PSYCHIATRIC PRE-SERVICE EVALUATION

Agency	Response
Akron	yes
Albuquerque	yes
Austin	yes
Baltimore	yes
Birmingham	yes
Boston	yes
Buffalo	yes
Charlotte	no
Chicago	no
Cincinnati	yes
Cleveland	yes
Columbus	no
Dallas	yes
Denver	yes
Detroit	yes
El Paso	yes
Fort Worth	yes
Honolulu	no
Houston	yes
Indianapolis	yes
Jacksonville	yes
Kansas City	yes
Long Beach	no
Los Angeles	yes
Louisville	no
Memphis	yes
Miami	yes
Minneapolis	yes
Nashville	yes
Newark	yes
New Orleans	yes
New York	yes
Norfolk	yes
Oakland	yes
Oklahoma City	yes
Omaha	yes
Philadelphia	no
Phoenix	no
Portland	yes
Rochester	yes
Sacramento	yes
St. Louis	yes
St. Paul	yes
San Antonio	yes
San Diego	no
San Francisco	no
San Jose	yes
Seattle	yes
Tampa	no
Toledo	yes
Tucson	yes
Tulsa	yes
Washington	yes
Wichita	yes

TABLE K-7

POLICY REGARDING OFF-DUTY EMPLOYMENT

Agency	Permitted	Hours Restricted	Uniform Prohibited	Firearm Prohibited	Security Work Prohibited
Akron	yes	yes	no	no	no
Albuquerque	yes	yes	no	no	no
Austin	yes	yes	yes	yes	no
Baltimore	yes	yes	yes	no	no
Birmingham	yes	no	no	no	no
Boston	yes	yes	yes	no	yes
Buffalo	yes	yes	yes	no	no
Charlotte	yes	no	no	no	no
Chicago	yes	yes	yes	no	no
Cincinnati	yes	yes	no	no	no
Cleveland	yes	yes	no	no	no
Columbus	yes	yes	no	no	no
Dallas	yes	no	no	no	no
Denver	yes	yes	no	no	no
Detroit	yes	yes	yes	no	yes
El Paso	yes	yes	no	no	no
Fort Worth	yes	yes	no	no	yes
Honolulu	yes	no	no	no	no
Houston	yes	yes	no	no	no
Indianapolis	yes	yes	no	no	no
Jacksonville	yes	yes	no	no	no
Kansas City	yes	yes	no	no	no
Long Beach	yes	yes	yes	no	no
Los Angeles	yes	yes	yes	no	no
Louisville	yes	no	no	no	no
Memphis	yes	no	yes	yes	no
Miami	yes	yes	no	no	no
Minneapolis	yes	no	no	no	no
Nashville	yes	no	no	no	no
Newark	yes	yes	no	no	no
New Orleans	yes	no	no	no	no
New York	yes	yes	yes	no	yes
Norfolk	yes	yes	no	no	no
Oakland	yes	yes	yes	no	yes
Oklahoma City	yes	no	no	no	no
Omaha	yes	no	no	no	no
Philadelphia	yes	yes	yes	no	yes
Phoenix	yes	no	no	no	yes
Portland	no	no	no	no	no
Rochester	yes	yes	yes	no	yes
Sacramento	yes	yes	yes	no	yes
St. Louis	yes	yes	no	no	no
St. Paul	yes	yes	no	no	no
San Antonio	yes	yes	no	no	no
San Diego	yes	yes	yes	no	no
San Francisco	yes	yes	yes	no	no
San Jose	yes	yes	no	no	no
Seattle	yes	yes	no	no	yes
Tampa	yes	no	no	no	yes
Toledo	yes	no	no	no	no
Tucson	yes	yes	no	no	no
Tulsa	yes	no	no	no	no
Washington	yes	yes	yes	no	yes
Wichita	yes	no	no	no	no

TABLE K-8

ON-SITE SUPERVISION OF OFF-DUTY OFFICERS EMPLOYED IN PRIVATE SECURITY

Agency	Response
Akron	No Department Supervision
Albuquerque	Other
Austin	Other
Baltimore	Other
Birmingham	Other
Boston	No Department Supervision
Buffalo	No Department Supervision
Charlotte	No Department Supervision
Chicago	No Department Supervision
Cincinnati	Watch Commander
Cleveland	No Department Supervision
Columbus	Other
Dallas	No Response
Denver	Other
Detroit	Other
El Paso	No Department Supervision
Fort Worth	Other
Honolulu	Other
Houston	Other
Indianapolis	Other
Jacksonville	No Department Supervision
Kansas City	None or Other
Long Beach	No Department Supervision
Los Angeles	No Department Supervision
Louisville	No Department Supervision
Memphis	No Department Supervision
Miami	Special Unit
Minneapolis	No Department Supervision
Nashville	No Department Supervision
Newark	No Department Supervision
New Orleans	Other
New York	No Department Supervision
Norfolk	No Department Supervision
Oakland	No Department Supervision
Oklahoma City	No Department Supervision
Omaha	Other
Philadelphia	No Department Supervision
Phoenix	Other
Portland	No Response
Rochester	No Department Supervision
Sacramento	No Response
St. Louis	No Department Supervision
St. Paul	No Department Supervision
San Antonio	Special Unit
San Diego	Other
San Francisco	No Department Supervision
San Jose	No Department Supervision
Seattle	Other
Tampa	Other
Toledo	No Department Supervision
Tucson	Other
Tulsa	No Department Supervision
Washington	No Response
Wichita	No Department Supervision

TABLE K-9

AGENCY MAINTAINS RECORD OF FIREARMS DISCHARGES

Agency	Response
Akron	yes
Albuquerque	yes
Austin	yes
Baltimore	yes
Birmingham	yes
Boston	yes
Buffalo	yes
Charlotte	yes
Chicago	yes
Cincinnati	yes
Cleveland	no
Columbus	yes
Dallas	yes
Denver	yes
Detroit	yes
El Paso	yes
Fort Worth	yes
Honolulu	yes
Houston	yes
Indianapolis	yes
Jacksonville	yes
Kansas City	yes
Long Beach	yes
Los Angeles	yes
Louisville	yes
Memphis	yes
Miami	yes
Minneapolis	yes
Nashville	yes
Newark	yes
New Orleans	yes
New York	yes
Norfolk	yes
Oakland	yes
Oklahoma City	yes
Omaha	yes
Philadelphia	yes
Phoenix	yes
Portland	yes
Rochester	yes
Sacramento	yes
St. Louis	yes
St. Paul	yes
San Antonio	yes
San Diego	yes
San Francisco	yes
San Jose	yes
Seattle	yes
Tampa	yes
Toledo	yes
Tucson	yes
Tulsa	yes
Washington	yes
Wichita	yes

TABLE K-10

DEADLY FORCE AND THE LABOR UNION/ASSOCIATION

Agency	Agency Has Labor Contract	Agency Has Experienced Employees Job Action	Month/Year	Contract Addressed Deadly Force Issue
Akron	yes	no		no
Albuquerque	yes	yes	Jul 75	yes
Austin	no	NR		yes
Baltimore	no	yes	Jul 74	no
Birmingham	yes	yes	Apr 79	yes
Boston	yes	no		no
Buffalo	yes	no		no
Charlotte	no	NR		NR
Chicago	no	NR		NR
Cincinnati	yes	yes	May 79	no
Cleveland	yes	yes	Jul 78	no
Columbus	yes	no		no
Dallas	no	NR		NR
Denver	no	NR		no
Detroit	yes	yes	Jul 76	no
El Paso	yes	no		no
Fort Worth	no	NR		no
Honolulu	yes	yes	Jul 76	no
Houston	no	NR		NR
Indianapolis	yes	yes	Sep 77	no
Jacksonville	yes	no		no
Kansas City	no	NR		no
Long Beach	yes	yes	73	yes
Los Angeles	yes	no		no
Louisville	yes	no		no
Memphis	yes	yes	Jul 78	no
Miami	yes	no		no
Minneapolis	yes	no		no
Nashville	no	NR		no
Newark	yes	no		no
New Orleans	no	NR		no
New York	yes	yes	Jan 79	no
Norfolk	no	NR		no
Oakland	yes	no		no
Oklahoma City	yes	yes	Oct 75	no
Omaha	yes	no		no
Philadelphia	yes	no		no
Phoenix	yes	yes	Mar 80	no
Portland	yes	no		no
Rochester	yes	yes	Sep 70	no
Sacramento	yes	no		no
St. Louis	no	NR		yes
St. Paul	yes	no		no
San Antonio	yes	no		no
San Diego	yes	yes	Sep 79	yes
San Francisco	yes	yes	Sep 75	no
San Jose	yes	yes	Aug 79	no
Seattle	yes	yes	72	yes
Tampa	yes	no		no
Toledo	yes	yes	Jul 79	no
Tucson	yes	yes	Sep 75	no
Tulsa	yes	no		no
Washington	yes	no		no
Wichita	yes	yes	Sep 79	no

NR = No Response

TABLE K-11

DEPARTMENT TRAINING V. STATE-MANDATED HOURS

Agency	State Mandated Hours	Department Required Hours
Akron	260	480
Albuquerque	281	747
Austin	320	800
Baltimore	350	700
Birmingham	240	480
Boston	480	560
Buffalo	285	650
Charlotte	240	440
Chicago	244	519
Cincinnati	292	1,100
Cleveland	292	595
Columbus	280	840
Dallas	240	656
Denver	298	711
Detroit	320	450
El Paso	320	600
Fort Worth	240	600
Honolulu	NR	1,090
Houston	320	720
Indianapolis	NR	NR
Jacksonville	320	540
Kansas City	600	640
Long Beach	400	400
Los Angeles	400	960
Louisville	400	640
Memphis	240	720
Miami	320	840
Minneapolis	NR	NR
Nashville	240	672
Newark	280	455
New Orleans	240	595
New York	285	700
Norfolk	289	480
Oakland	400	786
Oklahoma City	300	714
Omaha	300	560
Philadelphia	480	779
Phoenix	400	680
Portland	280	360
Rochester	285	700
Sacramento	400	680
St. Louis	600	640
St. Paul	NR	800
San Antonio	320	880
San Diego	400	640
San Francisco	400	760
San Jose	NR	NR
Seattle	440	560
Tampa	320	552
Toledo	280	548
Tucson	400	640
Tulsa	300	560
Washington	NR	NR
Wichita	200	640

NR = No Response

TABLE K-12

WHEN NEWLY APPOINTED SWORN OFFICERS ATTEND BASIC RECRUIT TRAINING

Agency	Response
Akron	Soon after appointment but before street assignment
Albuquerque	Immediately upon appointment
Austin	Immediately upon appointment
Baltimore	Soon after appointment but before street assignment
Birmingham	Immediately upon appointment
Boston	Immediately upon appointment
Buffalo	Immediately upon appointment
Charlotte	Immediately upon appointment
Chicago	Immediately upon appointment
Cincinnati	Immediately upon appointment
Cleveland	Immediately upon appointment
Columbus	Immediately upon appointment
Dallas	Soon after appointment but before street assignment
Denver	Immediately upon appointment
Detroit	Immediately upon appointment
El Paso	Immediately upon appointment
Fort Worth	Immediately upon appointment
Honolulu	Soon after appointment but before street assignment
Houston	Immediately upon appointment
Indianapolis	Immediately upon appointment
Jacksonville	Immediately upon appointment
Kansas City	Immediately upon appointment
Long Beach	Immediately upon appointment
Los Angeles	Immediately upon appointment
Louisville	Soon after appointment but before street assignment
Memphis	Immediately upon appointment
Miami	Immediately upon appointment
Minneapolis	Soon after appointment but before street assignment
Nashville	Immediately upon appointment
Newark	Immediately upon appointment
New Orleans	Soon after appointment but before street assignment
New York	Immediately upon appointment
Norfolk	Within one year of appointment
Oakland	Soon after appointment but before street assignment
Oklahoma City	Soon after appointment but before street assignment
Omaha	Immediately upon appointment
Philadelphia	Immediately upon appointment
Phoenix	Immediately upon appointment
Portland	Immediately upon appointment
Rochester	Immediately upon appointment
Sacramento	Immediately upon appointment
St. Louis	Immediately upon appointment
St. Paul	Immediately upon appointment
San Antonio	Immediately upon appointment
San Diego	Immediately upon appointment
San Francisco	Immediately upon appointment
San Jose	Immediately upon appointment
Seattle	Immediately upon appointment
Tampa	Soon after appointment but before street assignment
Toledo	Immediately upon appointment
Tucson	Immediately upon appointment
Tulsa	Soon after appointment but before street assignment
Washington	Immediately upon appointment
Wichita	Immediately upon appointment

TABLE K-13

DEPARTMENT-OPERATED TRAINING ACADEMY FOR ENTRY-LEVEL SWORN OFFICERS

Agency	Response
Akron	yes
Albuquerque	yes
Austin	yes
Baltimore	yes
Birmingham	yes
Boston	yes
Buffalo	no
Charlotte	yes
Chicago	yes
Cincinnati	yes
Cleveland	yes
Columbus	yes
Dallas	yes
Denver	yes
Detroit	yes
El Paso	yes
Fort Worth	yes
Honolulu	yes
Houston	yes
Indianapolis	yes
Jacksonville	yes
Kansas City	yes
Long Beach	yes
Los Angeles	yes
Louisville	yes
Memphis	yes
Miami	no
Minneapolis	yes
Nashville	yes
Newark	yes
New Orleans	yes
New York	yes
Norfolk	yes
Oakland	yes
Oklahoma City	yes
Philadelphia	yes
Phoenix	yes
Portland	yes
Rochester	no
Sacramento	yes
St. Louis	no
St. Paul	yes
San Antonio	yes
San Diego	yes
San Francisco	yes
San Jose	no
Seattle	no
Tampa	yes
Toledo	yes
Tucson	yes
Tulsa	yes
Washington	yes
Wichita	yes

TABLE K-14

DEPARTMENT MANDATED PHYSICAL FITNESS PROGRAM

Agency	Pre-Service Officers	In-Service Officers
Akron	no	no
Albuquerque	yes	no
Austin	yes	no
Baltimore	yes	no
Birmingham	no	no
Boston	yes	no
Buffalo	yes	no
Charlotte	yes	no
Chicago	yes	no
Cincinnati	yes	no
Cleveland	no	no
Columbus	yes	no
Dallas	yes	no
Denver	yes	no
Detroit	yes	no
El Paso	yes	no
Fort Worth	yes	no
Honolulu	yes	no
Houston	yes	no
Indianapolis	yes	no
Jacksonville	yes	no
Kansas City	yes	yes
Long Beach	yes	no
Los Angeles	yes	no
Louisville	yes	no
Memphis	yes	no
Miami	yes	no
Minneapolis	no	no
Nashville	no	no
Newark	no	no
New Orleans	yes	no
New York	yes	no
Norfolk	yes	no
Oakland	no	yes
Oklahoma City	yes	no
Omaha	yes	no
Philadelphia	no	no
Phoenix	yes	no
Portland	no	no
Rochester	yes	no
Sacramento	yes	no
St. Louis	yes	no
St. Paul	yes	yes
San Antonio	yes	no
San Diego	yes	no
San Francisco	no	yes
San Jose	yes	yes
Seattle	no	yes
Tampa	no	no
Toledo	yes	no
Tucson	yes	no
Tulsa	yes	no
Washington	yes	no
Wichita	yes	no

TABLE K-15

DEPARTMENT PHYSICAL COMBAT SKILLS TRAINING

Agency	Pre-Service Officers	In-Service Officers	Pre-Service Hours	In-Service Hours
Akron	no	no		
Albuquerque	yes	no	93	
Austin	yes	no	24	
Baltimore	yes	no	24	
Birmingham	yes	no	74	
Boston	yes	no	30	
Buffalo	yes	yes	57	4
Charlotte	yes	no	16	
Chicago	yes	no	26	
Cincinnati	yes	no	20	
Cleveland	yes	no	22	
Columbus	yes	no	40	
Dallas	yes	no	80	2
Denver	yes	yes	94	40
Detroit	yes	no	8	
El Paso	yes	yes	80	8
Fort Worth	yes	no	80	
Honolulu	yes	yes	94	2
Houston	yes	no	30	
Indianapolis	yes	no	NR	
Jacksonville	yes	yes	16	4
Kansas City	yes	yes	110	8
Long Beach	yes	yes	40	4
Los Angeles	yes	yes	184	8
Louisville	yes	no	50	
Memphis	yes	no	40	
Miami	yes	no	80	
Minneapolis	no	yes		NR
Nashville	yes	yes	60	4
Newark	no	no		
New Orleans	yes	no	12	
New York	yes	yes	40	8
Norfolk	yes	no	42	
Oakland	yes	yes	74	NR
Oklahoma City	yes	no	18	
Omaha	yes	no	24	
Philadelphia	yes	no	18	
Phoenix	yes	no	5	
Portland	yes	yes	18	4
Rochester	yes	no	12	
Sacramento	yes	yes	66	NR
St. Louis	yes	no	NR	
St. Paul	yes	yes	40	1
San Antonio	yes	no	24	
San Diego	yes	yes	101	18
San Francisco	yes	yes	20	2
San Jose	yes	yes	60	10
Seattle	yes	no	32	
Tampa	yes	yes	NR	NR
Toledo	yes	no	16	
Tucson	yes	no	50	
Tulsa	yes	yes	30	6
Washington	yes	no	8	
Wichita	yes	no	26	

NR = No Response

TABLE K-16

DEPARTMENT CRISIS INTERVENTION TRAINING

Agency	Pre-Service Officers	In-Service Officers	Month/Year Started	Pre-Service Hours	In-Service Hours
Akron	yes	yes	Jan 79	15	8
Albuquerque	yes	yes	Jun 74	46	8
Austin	yes	yes	Jan 75	34	NR
Baltimore	yes	yes	Jul 77	20	7
Birmingham	yes	no	pre 75	12	
Boston	yes	no	Oct 76	10	
Buffalo	yes	no	Jul 75	10	
Charlotte	yes	no	pre 75	8	
Chicago	yes	no	Jul 75	12	
Cincinnati	yes	yes	Jan 80	56	8
Cleveland	yes	no	69	19	
Columbus	yes	no	Sep 77	72	
Dallas	yes	no	Jun 73	24	
Denver	yes	yes	Feb 74	19	24
Detroit	yes	yes	Jul 79	24	24
El Paso	yes	yes	Sep 78	8	8
Fort Worth	yes	yes	Nov 76	24	40
Honolulu	yes	yes	Dec 66	46	8
Houston	yes	yes	pre 75	12	40
Indianapolis	yes	yes	pre 75	NR	NR
Jacksonville	yes	no	Oct 74	8	
Kansas City	yes	no	pre 75	12	
Long Beach	yes	yes	78	12	4
Los Angeles	yes	yes	Sep 80	NR	NR
Louisville	yes	no	Jun 70	40	
Memphis	yes	yes	Jan 77	32	2
Miami	no	no			
Minneapolis	no	yes	80		8
Nashville	yes	yes	Jan 68	40	4
Newark	no	no			
New Orleans	yes	yes	Dec 74	9	80
New York	yes	yes	Feb 76	5	2
Norfolk	yes	yes	75	16	4
Oakland	yes	yes	70	9	NR
Oklahoma City	yes	no	Aug 78	8	
Omaha	yes	yes	NR	30	NR
Philadelphia	yes	no	pre 75	16	
Phoenix	yes	yes	Jul 76	4	4
Portland	yes	yes	pre 75	42	NR
Rochester	yes	no	May 75	40	8
Sacramento	yes	yes	Sep 75	32	40
St. Louis	yes	yes	Jul 78	16	NR
St. Paul	yes	yes	Jul 75	16	1
San Antonio	yes	yes	75	24	4
San Diego	yes	yes	70	4	4
San Francisco	no	yes	69	24	NR
San Jose	yes	yes	Sep 74	14	40
Seattle	yes	yes	71	32	NR
Tampa	yes	yes	Jan 76	12	40
Toledo	yes	yes	Mar 77	8	8
Tucson	yes	yes	pre 75	16	4
Tulsa	yes	no	Jun 79	15	
Washington	yes	yes	Mar 79	32	40
Wichita	yes	no	Jan 70	24	

NR = No Response

TABLE K-17

FIREARMS TRAINING

Agency	Hours Pre-Service Legal Aspects	Hours In-Service Legal Aspects	Hours Pre-Service Moral Aspects	Hours In-Service Moral Aspects	Hours Pre-Service Policy Aspects	Hours In-Service Policy Aspects	Hours Pre-Service Actual Shooting	Hours In-Service Actual Shooting	Frequency of Training Times per Year
Akron	7	1	7	1	6	1	40	10	3
Albuquerque	3	1	3	0	3	1	44	8	4
Austin	4	2	2	2	4	2	54	2	4
Baltimore	1	1	0	0	2	0	64	6	1
Birmingham	1	0	1	0	2	0	64	4	2
Boston	8	1	2	1	8	1	40	2	2
Buffalo	3	1	3	1	3	1	57	4	4
Charlotte	0	0	0	0	0	0	36	6	2
Chicago	2	2	2	2	1	1	54	4	1
Cincinnati	1	1	1	1	1	1	40	3	1
Cleveland	4	0	4	0	4	0	58	0	8
Columbus	3	1	12	1	3	1	65	9	3
Dallas	4	2	8	2	8	1	56	6	2
Denver	7	2	1	2	1	2	33	2	12
Detroit	1	0	0	0	1	0	48	3	1
El Paso	2	0	2	0	4	0	60	4	2
Fort Worth	1	1	1	1	1	1	48	8	2
Honolulu	6	0	6	0	6	0	64	8	1
Houston	NR	NR	NR	NR	NR	NR	NR	NR	1
Indianapolis	4	0	4	0	2	0	80	8	2
Jacksonville	4	1	1	1	1	1	36	24	4
Kansas City	4	0	0	0	0	0	0	0	1
Long Beach	60	0	0	0	0	1	60	10	4
Los Angeles	8	0	8	0	8	0	80	0	12
Louisville	1	0	2	0	1	0	60	2	1
Memphis	2	0	4	2	2	0	120	8	1
Miami	2	4	2	2	2	2	56	2	1
Minneapolis	0	4	0	0	0	0	0	24	3
Nashville	8	1	2	1	2	1	80	8	1
Newark	6	0	2	0	2	0	35	4	1
New Orleans	5	2	3	2	1	2	35	16	1
New York	4	0	2	2	4	0	20	3	2
Norfolk	8	1	2	1	0	0	70	6	2
Oakland	1	0	1	0	1	0	54	5	9
Oklahoma City	3	1	1	1	4	1	90	4	2
Omaha	4	1	4	1	4	1	60	10	4
Philadelphia	0	0	0	0	0	0	42	8	1
Phoenix	2	0	2	0	1	0	45	2	4
Portland	6	0	6	0	6	0	24	8	2
Rochester	12	2	0	0	0	0	80	12	2
Sacramento	4	0	9	0	2	0	36	5	3
St. Louis	0	0	2	1	2	1	70	8	1
St. Paul	2	0	2	0	2	0	28	7	10
San Antonio	4	0	4	0	4	0	48	4	2
San Diego	1	2	1	2	1	2	44	2	4
San Francisco	2	0	2	0	2	0	40	12	4
San Jose	4	4	3	4	0	4	35	2	2
Seattle	10	2	2	2	4	2	40	2	2
Tampa	4	0	2	0	2	0	42	0	1
Toledo	4	4	4	0	8	2	0	12	2
Tucson	2	2	3	2	4	2	40	16	4
Tulsa	3	0	0	0	3	0	72	8	1
Washington	2	0	1	0	2	0	3	20	2
Wichita	4	0	2	0	1	2	40	6	2

NR = No Response

TABLE K-18

AGENCY THAT CONDUCTS FIREARMS TRAINING

Agency	Training Agency
Akron	Department
Albuquerque	Department
Austin	Department
Baltimore	Department
Birmingham	Department
Boston	Department
Buffalo	Department
Charlotte	Department
Chicago	Department
Cincinnati	Department
Cleveland	Department
Columbus	Department
Dallas	Department
Denver	Department
Detroit	Department
El Paso	Department
Fort Worth	Department
Honolulu	Department
Houston	Department
Indianapolis	Department
Jacksonville	Department
Kansas City	Department
Long Beach	Department
Los Angeles	Department
Louisville	Department and State
Memphis	Department
Miami	Department and Region
Minneapolis	Department
Nashville	Department
Newark	Department
New Orleans	Department
New York	Department
Norfolk	Department
Oakland	Department
Oklahoma City	Department
Omaha	Department
Philadelphia	Department
Phoenix	Department
Portland	Department
Rochester	Department
Sacramento	Department
St. Louis	Department and Region
St. Paul	Department
San Antonio	Department
San Diego	Department
San Francisco	Department
San Jose	Department
Seattle	Department
Tampa	Department
Toledo	Department
Tucson	Department
Tulsa	Department
Washington	Department
Wichita	Department

TABLE K-19

TYPE OF FIREARM RANGE TRAINING
IN-SERVICE OFFICERS

Agency	Practical Pistol Course	Double Action Course	Close Combat Course	Position Shooting Course	Tactical Course	Physical Exertion Course	Stress Course	Shooting Simulator
Akron	yes	yes	yes	yes	yes	yes	no	no
Albuquerque	yes	yes	yes	no	yes	yes	no	no
Austin	yes	yes	yes	yes	no	no	no	no
Baltimore	no	yes	no	no	yes	no	no	no
Birmingham	yes	yes	no	yes	no	yes	yes	no
Boston	yes	yes	yes	yes	yes	no	yes	no
Buffalo	yes	yes	yes	yes	yes	no	no	no
Charlotte	no	yes	yes	yes	yes	yes	yes	no
Chicago	yes	yes	yes	yes	yes	no	yes	no
Cincinnati	yes	yes	no	no	no	no	yes	no
Cleveland	no	no	no	no	no	no	no	yes
Columbus	yes	yes	yes	no	no	yes	yes	no
Dallas	yes	no	no	no	no	no	no	no
Denver	no	yes	no	yes	no	no	no	no
Detroit	no	no	no	no	no	no	no	yes
El Paso	yes	yes	yes	yes	no	no	no	no
Fort Worth	yes	yes	yes	yes	yes	no	no	no
Honolulu	yes	yes	yes	yes	yes	yes	yes	no
Houston	yes	yes	yes	yes	no	no	no	no
Indianapolis	yes	no	yes	yes	yes	no	yes	no
Jacksonville	no	yes	no	no	yes	yes	no	no
Kansas City	yes	yes	no	yes	no	no	no	no
Long Beach	yes	no	yes	no	yes	no	yes	no
Los Angeles	yes	yes	yes	yes	yes	yes	yes	yes
Louisville	yes	no	no	no	yes	no	no	no
Memphis	yes	yes	no	yes	no	no	no	yes
Miami	yes	yes	yes	yes	yes	no	yes	no
Minneapolis	no	yes	yes	no	no	no	no	no
Nashville	yes	yes	yes	yes	yes	yes	yes	yes
Newark	yes	yes	no	no	yes	no	no	no
New Orleans	yes	yes	yes	yes	yes	yes	yes	no
New York	yes	yes	yes	yes	yes	no	yes	yes
Norfolk	no	yes	no	no	no	no	no	no
Oakland	yes	yes	yes	yes	yes	no	yes	no
Oklahoma City	yes	yes	yes	yes	yes	yes	yes	no
Omaha	yes	yes	yes	yes	yes	yes	yes	no
Philadelphia	yes	yes	yes	yes	yes	no	yes	no
Phoenix	no	yes	yes	yes	no	no	no	no
Portland	yes	yes	yes	yes	yes	no	no	no
Rochester	yes	yes	yes	yes	yes	no	no	no
Sacramento	yes	yes	yes	no	no	no	no	no
St. Louis	yes	yes	yes	yes	no	no	no	no
St. Paul	yes	yes	no	yes	no	no	no	no
San Antonio	yes	yes	yes	no	no	no	yes	no
San Diego	yes	yes	yes	yes	yes	no	yes	no
San Francisco	yes	no	yes	yes	no	no	no	no
San Jose	yes	yes	yes	yes	yes	no	no	no
Seattle	yes	yes	yes	no	no	no	yes	yes
Tampa	yes	yes	yes	yes	yes	no	yes	yes
Toledo	no	yes	yes	yes	no	no	yes	no
Tucson	no	yes	yes	yes	yes	no	no	no
Tulsa	yes	no	yes	no	no	no	no	no
Washington	yes	yes	yes	yes	no	no	no	no
Wichita	yes	yes	yes	yes	no	no	yes	no

TABLE K-20

TYPE OF FIREARMS RANGE TRAINING
PRE-SERVICE OFFICERS

Agency	Practical Pistol Course	Double Action Course	Close Combat Course	Position Shooting Course	Tactical Course	Physical Exertion Course	Stress Course	Shooting Simulator
Akron	yes	yes	yes	yes	yes	yes	no	no
Albuquerque	yes	yes	yes	yes	yes	yes	no	no
Austin	yes	yes	yes	yes	no	no	no	no
Baltimore	yes	yes	yes	no	no	no	yes	no
Birmingham	yes	yes	no	yes	no	yes	yes	no
Boston	yes	yes	yes	yes	yes	no	yes	no
Buffalo	yes	yes	yes	yes	yes	yes	yes	yes
Charlotte	yes	yes	yes	yes	yes	yes	no	no
Chicago	yes	yes	yes	yes	no	no	yes	no
Cincinnati	yes	yes	no	no	no	no	yes	no
Cleveland	yes	yes	yes	yes	yes	yes	yes	yes
Columbus	yes	yes	yes	no	no	yes	yes	no
Dallas	yes	no	no	no	no	no	no	no
Denver	yes	yes	yes	yes	no	no	no	no
Detroit	no	no	no	no	no	no	no	yes
El Paso	yes	yes	yes	yes	yes	yes	yes	no
Fort Worth	yes	yes	yes	yes	yes	no	no	no
Honolulu	yes	yes	yes	yes	yes	yes	yes	no
Houston	yes	yes	yes	yes	no	no	no	no
Indianapolis	yes	no	yes	yes	yes	no	yes	no
Jacksonville	yes	yes	no	yes	no	yes	no	no
Kansas City	yes	yes	no	yes	no	no	no	no
Long Beach	yes	no	yes	no	yes	no	yes	no
Los Angeles	yes	yes	yes	yes	yes	yes	yes	yes
Louisville	yes	yes	yes	yes	no	yes	yes	no
Memphis	yes	yes	no	yes	no	yes	no	yes
Miami	yes	yes	yes	yes	yes	no	no	no
Minneapolis	no	no	no	no	no	no	no	no
Nashville	yes	yes	yes	yes	yes	yes	yes	yes
Newark	yes	yes	yes	yes	yes	yes	no	no
New Orleans	yes	yes	yes	yes	yes	yes	yes	no
New York	yes	yes	yes	yes	yes	yes	yes	yes
Norfolk	no	yes	no	no	yes	no	yes	no
Oakland	yes	yes	yes	yes	yes	yes	yes	no
Oklahoma City	yes	yes	yes	yes	yes	yes	yes	no
Omaha	yes	yes	yes	yes	yes	yes	yes	no
Philadelphia	yes	yes	yes	yes	yes	no	yes	no
Phoenix	no	yes	yes	yes	no	no	no	no
Portland	yes	yes	yes	yes	yes	no	no	no
Rochester	yes	yes	yes	yes	yes	no	yes	no
Sacramento	yes	yes	yes	yes	no	no	no	no
St. Louis	yes	yes	yes	yes	no	yes	no	no
St. Paul	yes	yes	no	yes	no	no	no	yes
San Antonio	yes	yes	yes	no	no	no	yes	no
San Diego	yes	yes	yes	yes	no	yes	yes	no
San Francisco	yes	no	yes	yes	no	no	no	no
San Jose	yes	yes	yes	yes	yes	no	no	no
Seattle	yes	yes	yes	no	no	no	yes	yes
Tampa	yes	yes	yes	yes	yes	no	yes	yes
Toledo	no	yes	yes	yes	no	no	yes	no
Tucson	no	yes	yes	yes	yes	no	no	no
Tulsa	yes	no	yes	no	no	no	yes	no
Washington	yes	yes	yes	yes	no	no	no	no
Wichita	yes	yes	yes	yes	no	no	yes	no

TABLE K-21

WEAPONS WITH WHICH IN-SERVICE OFFICERS MUST QUALIFY

Agency	Duty Revolver	Off-Duty Weapon	Shot Gun	Rifle	Teargas Gun	Other
Akron	yes	yes	yes	no	no	no
Albuquerque	yes	no	yes	no	no	no
Austin	yes	no	yes	yes	yes	no
Baltimore	yes	yes	yes	yes	yes	no
Birmingham	yes	no	yes	no	no	yes
Boston	yes	no	yes	no	yes	no
Buffalo	yes	no	yes	no	no	no
Charlotte	yes	no	yes	no	no	yes
Chicago	yes	yes	yes	yes	yes	yes
Cincinnati	yes	no	no	no	no	no
Cleveland	yes	yes	no	no	no	no
Columbus	yes	yes	yes	no	no	yes
Dallas	yes	no	yes	no	no	no
Denver	yes	no	no	no	no	no
Detroit	yes	no	yes	no	no	yes
El Paso	yes	no	no	no	no	no
Fort Worth	yes	no	yes	no	no	no
Honolulu	yes	yes	yes	yes	no	no
Houston	yes	no	no	no	no	no
Indianapolis	yes	no	yes	no	no	no
Jacksonville	yes	no	yes	no	no	yes
Kansas City	yes	no	no	no	no	no
Long Beach	yes	no	yes	no	no	yes
Los Angeles	yes	no	yes	no	no	no
Louisville	yes	no	no	no	no	no
Memphis	yes	yes	yes	no	no	no
Miami	yes	yes	yes	no	no	no
Minneapolis	yes	no	yes	no	no	no
Nashville	yes	yes	yes	no	no	no
Newark	yes	yes	yes	no	no	no
New Orleans	yes	yes	no	no	no	no
New York	yes	yes	yes	yes	yes	yes
Norfolk	yes	no	yes	no	no	no
Oakland	yes	no	yes	yes	yes	no
Oklahoma City	yes	yes	yes	no	no	no
Omaha	yes	no	yes	no	no	yes
Philadelphia	yes	no	no	no	no	no
Phoenix	yes	no	yes	yes	no	no
Portland	yes	yes	yes	no	no	no
Rochester	yes	yes	yes	no	no	no
Sacramento	yes	no	yes	no	no	no
St. Louis	yes	no	no	no	no	no
St. Paul	yes	yes	yes	no	no	yes
San Antonio	yes	no	no	no	no	no
San Diego	yes	no	yes	no	no	no
San Francisco	yes	no	yes	no	no	no
San Jose	yes	yes	no	no	no	no
Seattle	yes	yes	yes	no	no	no
Tampa	yes	yes	yes	yes	yes	no
Toledo	yes	yes	no	no	no	no
Tucson	yes	yes	no	no	no	no
Tulsa	yes	no	no	no	no	no
Washington	yes	no	no	no	no	no
Wichita	yes	yes	yes	no	no	no

TABLE K-22

WEAPONS WITH WHICH PRE-SERVICE OFFICERS MUST QUALIFY

Agency	Duty Revolver	Off-Duty Weapon	Shot Gun	Rifle	Teargas Gun	Other
Akron	yes	no	yes	no	no	no
Albuquerque	yes	no	yes	no	no	no
Austin	yes	no	yes	yes	yes	no
Baltimore	yes	yes	yes	no	no	no
Birmingham	yes	no	yes	no	no	no
Boston	yes	no	yes	no	yes	no
Buffalo	yes	no	yes	no	no	no
Charlotte	yes	no	yes	no	no	no
Chicago	yes	no	no	no	no	yes
Cincinnati	yes	no	no	no	no	no
Cleveland	yes	no	no	no	no	no
Columbus	yes	yes	yes	no	no	no
Dallas	yes	no	yes	no	no	no
Denver	yes	no	no	no	no	no
Detroit	yes	no	yes	yes	no	no
El Paso	yes	no	no	no	no	no
Fort Worth	yes	no	yes	yes	yes	no
Honolulu	yes	no	yes	yes	no	no
Houston	yes	no	no	no	no	no
Indianapolis	yes	no	yes	no	no	no
Jacksonville	yes	no	yes	no	yes	no
Kansas City	yes	no	no	no	no	no
Long Beach	yes	no	yes	no	no	no
Los Angeles	yes	no	yes	no	yes	no
Louisville	yes	no	no	no	no	no
Memphis	yes	yes	yes	no	no	no
Miami	yes	no	yes	no	no	no
Minneapolis	no	no	no	no	no	no
Nashville	yes	yes	yes	no	no	no
Newark	yes	no	yes	no	yes	no
New Orleans	yes	yes	no	no	no	no
New York	yes	yes	no	no	no	no
Norfolk	yes	no	yes	no	no	no
Oakland	yes	no	yes	yes	yes	no
Oklahoma City	yes	yes	yes	no	no	no
Omaha	yes	no	yes	no	no	no
Philadelphia	yes	no	no	no	no	no
Phoenix	yes	no	no	no	no	no
Portland	yes	yes	yes	no	no	no
Rochester	yes	yes	yes	no	no	no
Sacramento	yes	no	yes	no	no	no
St. Louis	yes	yes	no	no	no	no
St. Paul	yes	yes	yes	no	no	no
San Antonio	yes	no	no	no	no	no
San Diego	yes	no	yes	no	no	no
San Francisco	yes	no	yes	no	no	no
San Jose	yes	no	yes	no	no	no
Seattle	yes	yes	yes	no	no	no
Tampa	yes	no	yes	no	yes	no
Toledo	yes	no	no	no	no	no
Tucson	yes	yes	no	no	no	no
Tulsa	yes	no	no	no	no	no
Washington	no	no	no	no	no	no
Wichita	yes	yes	yes	no	no	no

TABLE K-23

AGENCY POLICY
IN-SERVICE OFFICERS WHO FAIL TO QUALIFY WITH DUTY WEAPON

Agency	Qualification Standard	Suspension	Dismissal	Desk Assignment	Other
Akron	yes	no	no	no	yes
Albuquerque	yes	no	yes	no	no
Austin	yes	no	no	no	no
Baltimore	yes	no	yes	no	yes
Birmingham	yes	no	no	no	yes
Boston	yes	no	yes	yes	no
Buffalo	yes	no	no	no	yes
Charlotte	yes	no	no	no	yes
Chicago	yes	no	no	no	yes
Cincinnati	yes	no	no	no	no
Cleveland	no	no	no	no	no
Columbus	yes	no	no	yes	yes
Dallas	yes	no	no	no	yes
Denver	yes	no	no	no	yes
Detroit	yes	no	no	no	yes
El Paso	yes	no	no	no	yes
Fort Worth	yes	no	no	yes	no
Honolulu	yes	no	yes	no	no
Houston	no	no	no	no	no
Indianapolis	yes	no	no	no	yes
Jacksonville	yes	no	no	yes	no
Kansas City	yes	no	no	no	yes
Long Beach	yes	no	no	no	yes
Los Angeles	yes	no	no	no	yes
Louisville	yes	no	no	no	no
Memphis	yes	no	no	yes	no
Miami	no	no	no	no	no
Minneapolis	yes	yes	no	yes	no
Nashville	yes	no	no	yes	no
Newark	yes	no	no	no	no
New Orleans	yes	no	no	no	yes
New York	yes	no	no	no	yes
Norfolk	yes	no	yes	no	no
Oakland	yes	no	no	no	yes
Oklahoma City	yes	no	no	yes	no
Omaha	yes	yes	no	no	no
Philadelphia	yes	no	no	no	no
Phoenix	yes	no	yes	no	no
Portland	yes	yes	no	no	no
Rochester	yes	no	no	no	no
Sacramento	yes	no	no	no	yes
St. Louis	yes	no	no	no	yes
St. Paul	yes	no	no	no	no
San Antonio	yes	no	no	no	yes
San Diego	yes	no	no	no	yes
San Francisco	yes	no	no	no	no
San Jose	yes	no	no	no	yes
Seattle	yes	no	no	no	yes
Tampa	yes	no	no	no	yes
Toledo	yes	no	no	yes	yes
Tucson	yes	yes	yes	no	no
Tulsa	yes	no	no	yes	no
Washington	yes	no	yes	no	no
Wichita	yes	no	no	no	yes

TABLE K-24

AGENCY POLICY
PRE-SERVICE OFFICERS WHO FAIL TO QUALIFY WITH DUTY WEAPON

Agency	Qualification Standard	Suspension	Dismissal	Desk Assignment	Other
Akron	yes	no	no	no	yes
Albuquerque	yes	no	yes	no	no
Austin	yes	no	yes	no	no
Baltimore	yes	no	yes	no	no
Birmingham	yes	no	yes	no	no
Boston	yes	no	yes	no	no
Buffalo	yes	no	yes	no	no
Charlotte	yes	no	yes	no	no
Chicago	yes	no	yes	no	no
Cincinnati	yes	no	no	no	no
Cleveland	yes	no	yes	no	no
Columbus	yes	no	yes	no	no
Dallas	yes	no	yes	no	no
Denver	yes	no	no	no	yes
Detroit	yes	no	no	no	yes
El Paso	yes	no	yes	no	no
Fort Worth	yes	no	yes	no	no
Honolulu	yes	no	yes	no	no
Houston	no	no	no	no	no
Indianapolis	yes	no	no	no	yes
Jacksonville	yes	no	yes	no	no
Kansas City	yes	no	no	no	yes
Long Beach	yes	no	no	no	yes
Los Angeles	yes	no	yes	no	no
Louisville	yes	no	yes	no	no
Memphis	yes	no	yes	no	no
Miami	yes	no	yes	no	no
Minneapolis	yes	no	no	no	no
Nashville	yes	no	yes	no	no
Newark	yes	no	yes	no	no
New Orleans	yes	no	yes	no	no
New York	yes	no	yes	no	no
Norfolk	yes	no	yes	no	no
Oakland	yes	no	yes	no	no
Oklahoma City	yes	no	yes	no	no
Omaha	yes	no	yes	no	no
Philadelphia	yes	no	no	no	yes
Phoenix	yes	no	yes	no	no
Portland	yes	yes	no	no	no
Rochester	yes	no	no	no	no
Sacramento	yes	no	yes	no	no
St. Louis	yes	no	yes	no	no
St. Paul	yes	no	no	no	no
San Antonio	yes	no	yes	no	no
San Diego	yes	no	no	no	yes
San Francisco	yes	no	yes	no	no
San Jose	yes	no	yes	no	no
Seattle	yes	no	yes	no	no
Tampa	yes	no	no	no	yes
Toledo	yes	no	yes	no	no
Tucson	yes	yes	yes	no	no
Tulsa	yes	no	no	yes	no
Washington	yes	no	no	no	no
Wichita	yes	no	no	no	yes

TABLE K-25

INCENTIVE FOR FIREARMS MARKSMANSHIP

Agency	Incentive
Akron	None
Albuquerque	Other
Austin	Medal
Baltimore	Other
Birmingham	Other
Boston	None
Buffalo	None
Charlotte	None
Chicago	None
Cincinnati	None
Cleveland	Medal and Salary
Columbus	Medal
Dallas	Medal and Other
Denver	Other
Detroit	Medal
El Paso	Medal and Other
Fort Worth	None
Honolulu	Medal
Houston	None
Indianapolis	Medal and Other
Jacksonville	None
Kansas City	Medal
Long Beach	Salary Increment
Los Angeles	Medal and Salary
Louisville	Medal
Memphis	Medal and Other
Miami	None
Minneapolis	Other
Nashville	Written Commendation
Newark	None
New Orleans	Medal
New York	Other
Norfolk	None
Oakland	None
Oklahoma City	Other
Omaha	Medal
Philadelphia	Medal
Phoenix	Medal
Portland	None
Rochester	Medal and Commendation
Sacramento	None
St. Louis	Medal
St. Paul	None
San Antonio	Medal
San Diego	Salary Increment
San Francisco	None
San Jose	Medal
Seattle	Medal
Tampa	Medal
Toledo	None
Tucson	Medal and Other
Tulsa	None
Washington	Medal
Wichita	Medal

TABLE K-26

RESPONSIBILITY FOR PURCHASE OF ON-DUTY WEAPON

Agency	Purchaser
Akron	Department
Albuquerque	Department
Austin	Department
Baltimore	Department
Birmingham	Department
Boston	Department
Buffalo	Officer
Charlotte	Department
Chicago	Officer
Cincinnati	Department
Cleveland	Department
Columbus	Department
Dallas	Department
Denver	Officer
Detroit	Department
El Paso	Officer
Fort Worth	Department
Honolulu	Department
Houston	Officer
Indianapolis	Department
Jacksonville	Department
Kansas City	Department
Long Beach	Either
Los Angeles	Department
Louisville	Department
Memphis	Department
Miami	Department
Minneapolis	Officer
Nashville	Department
Newark	Department
New Orleans	Officer
New York	Officer
Norfolk	Department
Oakland	Department
Oklahoma City	Department
Omaha	Officer
Philadelphia	Department
Phoenix	Department
Portland	Officer
Rochester	Department
Sacramento	Department
St. Louis	Department
St. Paul	Officer
San Antonio	Department
San Diego	Department
San Francisco	Department
San Jose	Department
Seattle	Department
Tampa	Department
Toledo	Department
Tucson	Either
Tulsa	Department
Washington	Department
Wichita	Department

TABLE K-27

CITIZEN FIREARM REGISTRATION LAW

Agency	Handgun	Rifle	Month/Year
Akron	None	None	
Albuquerque	None	None	
Austin	None	None	
Baltimore	State Law	State Law	NR
Birmingham	State Law	State Law	May 80
Boston	State Law	State Law	Jan 75
Buffalo	State Law	State Law	NR
Charlotte	State Law	State Law	NR
Chicago	Local Law	Local Law	Oct 68
Cincinnati	None	None	
Cleveland	Local Law	State Law	May 76
Columbus	State Law	State Law	NR
Dallas	None	None	
Denver	Local Law	Local Law	Jan 74
Detroit	State Law	State Law	NR
El Paso	State Law	State Law	NR
Fort Worth	State Law	State Law	NR
Honolulu	State Law	State Law	NR
Houston	None	None	
Indianapolis	State Law	State Law	NR
Jacksonville	State Law	State Law	NR
Kansas City	State Law	NA	NR
Long Beach	State Law	State Law	NR
Los Angeles	State Law	State Law	NR
Louisville	Local Law	State Law	74
Memphis	State Law	State Law	NR
Miami	Local Law	Local Law	pre 75
Minneapolis	Local Law	State Law	pre 75
Nashville	State Law	State Law	NR
Newark	State Law	State Law	NR
New Orleans	Local Law	Local Law	Dec 76
New York	State Law	Local Law	Sep 80
Norfolk	None	None	
Oakland	State Law	State Law	NR
Oklahoma City	Local Law	NA	60
Omaha	State Law	State Law	NR
Philadelphia	Local Law	Local Law	pre 75
Phoenix	None	None	
Portland	State Law	State Law	NR
Rochester	State Law	State Law	NR
Sacramento	State Law	State Law	NR
St. Louis	State Law	State Law	NR
St. Paul	Local Law	State Law	May 73
San Antonio	None	None	
San Diego	State Law	State Law	NR
San Francisco	State Law	None	NR
San Jose	State Law	State Law	NR
Seattle	State Law	State Law	NR
Tampa	State Law	State Law	NR
Toledo	Local Law	Local Law	Sep 77
Tucson	None	None	
Tulsa	Local Law	State Law	pre 75
Washington	Local Law	Local Law	Jul 76
Wichita	State Law	State Law	NR

NR = No Response
NA = Not Applicable

TABLE K-28

OFF-DUTY WEAPON POLICY

Agency	Policy	Date
Akron	Mandatory at all times	Jun 75
Albuquerque	Optional in city	pre 75
Austin	Optional in city	May 80
Baltimore	Optional at all times	Apr 78
Birmingham	Optional in city	Apr 80
Boston	Optional in city	pre 75
Buffalo	Optional at all times	Mar 78
Charlotte	Optional at all times	May 80
Chicago	Optional at all times	pre 75
Cincinnati	Mandatory in city	pre 75
Cleveland	Optional at all times	Feb 79
Columbus	Mandatory at all times	Jul 80
Dallas	Mandatory in city	Jan 58
Denver	Mandatory at all times	May 72
Detroit	Mandatory at all times	pre 75
El Paso	Mandatory in city	pre 75
Fort Worth	Optional at all times	Oct 79
Honolulu	Mandatory at all times	56
Houston	Mandatory at all times	pre 75
Indianapolis	Optional at all times	Jun 78
Jacksonville	Optional at all times	75
Kansas City	Optional at all times	Jul 78
Long Beach	Optional at all times	68
Los Angeles	Optional at all times	Apr 74
Louisville	Mandatory at all times	58
Memphis	Optional in city	pre 75
Miami	Mandatory at all times	Jun 76
Minneapolis	Optional at all times	79
Nashville	Mandatory in city	Jan 79
Newark	Mandatory at all times	pre 75
New Orleans	Mandatory in city	Nov 79
New York	Mandatory in city	Nov 72
Norfolk	Mandatory at all times	pre 75
Oakland	Optional at all times	pre 75
Oklahoma City	Optional at all times	Jul 78
Omaha	Optional at all times	Jun 79
Philadelphia	Optional at all times	Apr 80
Phoenix	Optional at all times	pre 75
Portland	Optional at all times	Jul 77
Rochester	Optional at all times	Apr 77
Sacramento	Optional at all times	pre 75
St. Louis	Optional at all times	Mar 80
St. Paul	Optional at all times	Apr 74
San Antonio	Mandatory in city	Jul 55
San Diego	Optional at all times	Jan 78
San Francisco	Optional at all times	72
San Jose	Optional at all times	Dec 78
Seattle	Mandatory in city	pre 75
Tampa	Mandatory at all times	pre 75
Toledo	Mandatory at all times	pre 75
Tucson	Mandatory at all times	Apr 73
Tulsa	Optional in city	pre 75
Washington	Mandatory in city	Dec 71
Wichita	Optional in city	Jan 80

TABLE K-29

REGISTRATION OF OFF-DUTY WEAPON REQUIRED

Agency	Response
Akron	yes
Albuquerque	no
Austin	yes
Baltimore	yes
Birmingham	no
Boston	no
Buffalo	no
Charlotte	no
Chicago	yes
Cincinnati	yes
Cleveland	no
Columbus	no
Dallas	no
Denver	no
Detroit	yes
El Paso	no
Fort Worth	yes
Honolulu	yes
Houston	no
Indianapolis	yes
Jacksonville	no
Kansas City	yes
Long Beach	no
Los Angeles	yes
Louisville	yes
Memphis	yes
Miami	no
Minneapolis	yes
Nashville	yes
Newark	yes
New Orleans	yes
New York	yes
Norfolk	yes
Oakland	no
Oklahoma City	no
Omaha	no
Philadelphia	no
Phoenix	no
Portland	no
Rochester	yes
Sacramento	no
St. Louis	yes
St. Paul	no
San Antonio	yes
San Diego	no
San Francisco	no
San Jose	no
Seattle	yes
Tampa	no
Toledo	no
Tucson	yes
Tulsa	no
Washington	no
Wichita	yes

TABLE K-30

POLICY CONCERNING ON-DUTY/BACK-UP WEAPON

Agency	Policy	Month/Year
Akron	Not permitted	Jun 75
Albuquerque	Permitted	Jul 79
Austin	Not permitted	60
Baltimore	Not permitted	Oct 67
Birmingham	Permitted	Oct 73
Boston	Not permitted	pre 75
Buffalo	Permitted	Mar 78
Charlotte	Permitted	Dec 79
Chicago	Permitted	Oct 68
Cincinnati	Not permitted	pre 75
Cleveland	Permitted	pre 75
Columbus	Permitted	Jul 80
Dallas	Permitted	pre 75
Denver	Permitted	May 72
Detroit	Permitted	Dec 72
El Paso	Not permitted	pre 75
Fort Worth	Permitted	Oct 79
Honolulu	Permitted	pre 75
Houston	Permitted	pre 75
Indianapolis	Permitted	Jun 78
Jacksonville	Permitted	Jan 79
Kansas City	Not permitted	pre 75
Long Beach	Permitted	Oct 79
Los Angeles	Permitted	Apr 74
Louisville	Permitted	71
Memphis	Permitted	pre 75
Miami	Not permitted	pre 75
Minneapolis	Permitted	Feb 80
Nashville	Not permitted	pre 75
Newark	Not permitted	Jun 80
New Orleans	Not permitted	pre 75
New York	Permitted	Apr 72
Norfolk	Not permitted	Feb 77
Oakland	Not permitted	pre 75
Oklahoma City	Permitted	Jul 78
Omaha	Not permitted	pre 75
Philadelphia	Not permitted	Jul 80
Phoenix	Permitted	Jul 80
Portland	Not permitted	Jul 77
Rochester	Permitted	pre 75
Sacramento	Permitted	Sep 79
St. Louis	Permitted	pre 75
St. Paul	Permitted	Apr 74
San Antonio	Permitted	pre 75
San Diego	Permitted	Sep 79
San Francisco	Permitted	74
San Jose	Permitted	Dec 71
Seattle	Permitted	pre 75
Tampa	Permitted	Sep 73
Toledo	Not permitted	pre 75
Tucson	Permitted	Jul 80
Tulsa	Permitted	Aug 78
Washington	Not permitted	Sep 74
Wichita	Permitted	Oct 78

TABLE K-31

DEPARTMENT REGISTRATION OF OFF-DUTY AND BACK-UP WEAPON

Agency	Response	Month/Year of Policy
Akron	yes	Jun 75
Albuquerque	no	
Austin	no	
Baltimore	yes	Oct 67
Birmingham	yes	Jul 80
Boston	no	
Buffalo	yes	Mar 78
Charlotte	yes	May 80
Chicago	yes	Oct 68
Cincinnati	no	
Cleveland	yes	Oct 77
Columbus	yes	Jul 80
Dallas	yes	pre 75
Denver	both	Jan 27
Detroit	yes	pre 75
El Paso	no	
Fort Worth	yes	Oct 79
Honolulu	yes	56
Houston	yes	Aug 77
Indianapolis	yes	Jun 78
Jacksonville	yes	Jan 79
Kansas City	no	
Long Beach	yes	Jan 80
Los Angeles	yes	Apr 74
Louisville	yes	71
Memphis	yes	Nov 75
Miami	yes	pre 75
Minneapolis	yes	Feb 80
Nashville	yes	Sep 75
Newark	yes	Jun 80
New Orleans	yes	Nov 79
New York	yes	Jan 20
Norfolk	no	
Oakland	no	
Oklahoma City	no	
Omaha	yes	Jan 58
Philadelphia	no	pre 75
Phoenix	yes	Apr 77
Portland	yes	Jul 77
Rochester	yes	Apr 77
Sacramento	yes	Sep 79
St. Louis	yes	pre 75
St. Paul	no	
San Antonio	no	
San Diego	both	Sep 79
San Francisco	no	
San Jose	yes	Dec 78
Seattle	yes	Jan 78
Tampa	yes	Sep 73
Toledo	yes	pre 75
Tucson	yes	Apr 73
Tulsa	no	Aug 78
Washington	no	
Wichita	yes	Oct 78

TABLE K-32

WEAPONS ISSUED TO PATROL OFFICERS IN ADDITION TO SERVICE WEAPON

Agency	Chemical Agent	Baton	Shotgun	Other
Akron	yes	yes	yes	no
Albuquerque	yes	yes	yes	no
Austin	yes	yes	yes	yes
Baltimore	yes	yes	yes	no
Birmingham	yes	yes	yes	yes
Boston	yes	no	no	no
Buffalo	no	yes	no	no
Charlotte	no	yes	yes	no
Chicago	no	yes	yes	no
Cincinnati	yes	yes	no	no
Cleveland	yes	yes	yes	no
Columbus	yes	yes	no	no
Dallas	no	yes	yes	no
Denver	yes	yes	yes	no
Detroit	no	yes	yes	yes
El Paso	no	no	no	no
Fort Worth	yes	yes	yes	no
Honolulu	yes	yes	no	no
Houston	no	yes	no	no
Indianapolis	yes	yes	yes	no
Jacksonville	no	yes	yes	no
Kansas City	yes	yes	yes	no
Long Beach	yes	yes	yes	no
Los Angeles	no	yes	yes	no
Louisville	no	yes	yes	no
Memphis	no	yes	yes	no
Miami	no	yes	yes	no
Minneapolis	yes	yes	yes	no
Nashville	yes	yes	yes	no
Newark	no	no	yes	no
New Orleans	no	no	yes	no
New York	yes	yes	yes	no
Norfolk	yes	yes	yes	no
Oakland	yes	yes	yes	no
Oklahoma City	no	yes	yes	no
Omaha	no	no	yes	no
Philadelphia	no	yes	no	no
Phoenix	yes	yes	yes	no
Portland	no	no	no	yes
Rochester	yes	yes	yes	no
Sacramento	yes	yes	yes	no
St. Louis	no	yes	yes	no
St. Paul	yes	yes	yes	no
San Antonio	no	yes	yes	no
San Diego	yes	yes	yes	no
San Francisco	yes	yes	no	no
San Jose	yes	yes	yes	no
Seattle	yes	yes	yes	no
Tampa	yes	yes	yes	no
Toledo	yes	yes	yes	no
Tucson	yes	yes	yes	no
Tulsa	no	yes	yes	no
Washington	yes	yes	no	no
Wichita	yes	yes	yes	no

TABLE K-33

DEPARTMENT USE OF NON-LETHAL WEAPONS

Agency	Response
Akron	yes
Albuquerque	no
Austin	no
Baltimore	yes
Birmingham	yes
Boston	yes
Buffalo	yes
Charlotte	no
Chicago	yes
Cincinnati	yes
Cleveland	yes
Columbus	no
Dallas	no
Denver	no
Detroit	yes
El Paso	no
Fort Worth	yes
Honolulu	yes
Houston	yes
Indianapolis	no
Jacksonville	no
Kansas City	no
Long Beach	yes
Los Angeles	yes
Louisville	yes
Memphis	no
Miami	no
Minneapolis	no
Nashville	yes
Newark	no
New Orleans	yes
New York	yes
Norfolk	yes
Oakland	yes
Oklahoma City	yes
Omaha	yes
Philadelphia	no
Phoenix	yes
Portland	yes
Rochester	no
Sacramento	no
St. Louis	no
St. Paul	yes
San Antonio	no
San Diego	yes
San Francisco	no
San Jose	no
Seattle	yes
Tampa	yes
Toledo	no
Tucson	yes
Tulsa	no
Washington	yes
Wichita	no

TABLE K-34

SOFT BODY ARMOR

Agency	Has Adopted Soft Body Armor	Month/Year Adopted	Armor is Mandatory for Daily Wear
Akron	yes	pre 75	no
Albuquerque	no		
Austin	yes	Jan 75	no
Baltimore	yes	Feb 76	yes
Birmingham	yes	Jan 80	no
Boston	yes	pre 75	no
Buffalo	yes	Nov 75	no
Charlotte	no		
Chicago	no		
Cincinnati	yes	May 79	no
Cleveland	yes	73	no
Columbus	yes	Jul 78	no
Dallas	yes	Jun 78	yes
Denver	yes	pre 75	no
Detroit	yes	Dec 75	no
El Paso	no		
Fort Worth	yes	Jun 76	no
Honolulu	yes	Feb 74	no
Houston	yes	Oct 76	yes
Indianapolis	yes	76	no
Jacksonville	no		
Kansas City	yes	Mar 75	no
Long Beach	yes	Apr 75	no
Los Angeles	yes	75	no
Louisville	yes	Aug 74	no
Memphis	yes	Mar 78	no
Miami	yes	79	no
Minneapolis	yes	65	no
Nashville	yes	Feb 78	no
Newark	no		
New Orleans	no		
New York	yes	Jul 75	no
Norfolk	yes	Apr 78	no
Oakland	yes	Sep 74	yes
Oklahoma City	yes	Apr 77	no
Omaha	yes	Sep 76	yes
Philadelphia	yes	pre 75	no
Phoenix	yes	Jul 77	no
Portland	yes	77	no
Rochester	yes	pre 75	yes
Sacramento	yes	Jun 76	no
St. Louis	yes	Apr 75	no
St. Paul	yes	74	no
San Antonio	yes	75	no
San Diego	yes	May 77	no
San Francisco	yes	75	yes
San Jose	yes	Jul 78	yes
Seattle	yes	76	no
Tampa	yes	Dec 75	no
Toledo	yes	75	no
Tucson	no		
Tulsa	yes	Feb 76	no
Washington	yes	Jan 78	no
Wichita	yes	Nov 76	no

TABLE K-35

AUTHORIZED ON-DUTY HOLSTER

Agency	Thumb Strap No Trigger Guard	Thumb Strap With Trigger Guard	Upward Draw No Safety Strap	Upward Draw With Safety Strap	Flap Guard With Snaplock	Break-away Front	Other
Akron	no	no	no	no	no	no	yes
Albuquerque	no	no	no	yes	no	yes	no
Austin	yes	no	no	no	no	yes	no
Baltimore	no	yes	no	yes	yes	no	no
Birmingham	no	no	no	yes	no	no	no
Boston	yes	no	no	no	no	no	no
Buffalo	no	no	no	no	no	no	yes
Charlotte	yes	yes	no	yes	no	no	yes
Chicago	no	no	no	yes	no	yes	no
Cincinnati	yes	no	no	yes	no	no	no
Cleveland	no	no	no	no	no	no	yes
Columbus	yes	no	no	no	yes	no	no
Dallas	yes	yes	no	yes	no	no	no
Denver	no	no	no	no	yes	no	yes
Detroit	yes	no	no	no	yes	no	no
El Paso	yes	yes	no	yes	no	yes	no
Fort Worth	yes	no	no	no	no	no	no
Honolulu	no	no	no	no	yes	yes	no
Houston	no	no	no	no	yes	no	no
Indianapolis	no	no	no	yes	no	no	no
Jacksonville	yes	no	no	no	no	yes	yes
Kansas City	no	no	no	yes	no	no	no
Long Beach	yes	no	no	no	no	yes	no
Los Angeles	no	no	no	no	yes	yes	yes
Louisville	no	yes	no	yes	no	no	no
Memphis	yes	no	no	yes	yes	no	no
Miami	yes	yes	no	yes	no	yes	yes
Minneapolis	yes	yes	no	yes	no	yes	no
Nashville	yes	yes	no	yes	no	no	no
Newark	no	no	no	no	no	no	no
New Orleans	no	no	no	no	no	no	yes
New York	no	no	yes	no	no	no	no
Norfolk	no	no	no	yes	no	no	no
Oakland	no	no	no	no	yes	yes	yes
Oklahoma City	yes	no	no	yes	no	no	yes
Omaha	no	no	no	yes	no	no	no
Philadelphia	no	no	yes	no	yes	no	no
Phoenix	yes	yes	yes	yes	no	yes	no
Portland	no	no	no	no	yes	yes	no
Rochester	no	no	no	no	no	no	yes
Sacramento	yes	no	no	no	no	yes	no
St. Louis	no	no	no	no	yes	no	no
St. Paul	yes	no	no	yes	no	yes	no
San Antonio	yes	no	no	no	no	yes	no
San Diego	yes	yes	no	yes	no	yes	no
San Francisco	no	no	no	yes	no	no	no
San Jose	no	yes	no	yes	no	yes	no
Seattle	yes	yes	no	yes	no	yes	yes
Tampa	no	yes	no	no	no	yes	no
Toledo	no	no	no	yes	no	no	no
Tucson	yes	yes	yes	yes	no	yes	yes
Tulsa	yes	no	no	no	no	no	no
Washington	no	yes	no	no	no	no	no
Wichita	yes	yes	yes	yes	no	no	no

TABLE K-36

RESPONSE TO SCENE OF POLICE USE OF DEADLY FORCE

Agency	First-Line Supervisor	Watch Commander	Division Commander	Internal Affairs Unit	Police Chief	Mayor or Manager	District Attorney	Other
Akron	yes	no	no	no	no	no	no	no
Albuquerque	no	no	no	yes	no	no	no	no
Austin	yes	no	no	yes	no	no	no	yes
Baltimore	yes	yes	no	yes	no	no	no	yes
Birmingham	no	yes	yes	yes	no	no	no	yes
Boston	yes	no	no	yes	no	no	no	no
Buffalo	yes	yes	no	no	no	no	no	no
Charlotte	yes	no	no	no	no	no	no	no
Chicago	yes	yes	no	no	no	no	yes	yes
Cincinnati	yes	yes	no	yes	no	no	no	yes
Cleveland	yes	yes	no	no	no	no	no	no
Columbus	yes	yes	no	yes	no	no	no	yes
Dallas	yes	no	no	yes	no	no	no	yes
Denver	yes	yes	yes	yes	yes	no	yes	yes
Detroit	yes	no	no	no	no	no	no	yes
El Paso	no	no	no	no	no	no	no	yes
Fort Worth	yes	yes	no	yes	no	no	no	no
Honolulu	yes	yes	no	no	no	no	no	yes
Houston	yes	no	no	yes	no	no	no	yes
Indianapolis	yes	no	no	no	no	no	no	yes
Jacksonville	yes	yes	yes	yes	no	no	yes	no
Kansas City	yes	yes	yes	yes	no	no	no	yes
Long Beach	yes	no	no	no	no	no	yes	yes
Los Angeles	yes	no	yes	no	yes	no	yes	yes
Louisville	yes	yes	no	no	no	no	no	yes
Memphis	yes	no	no	no	no	no	no	yes
Miami	yes	yes	no	yes	no	no	yes	yes
Minneapolis	yes	no	no	no	yes	no	no	no
Nashville	yes	yes	yes	no	yes	no	yes	no
Newark	yes	yes	no	no	no	no	no	no
New Orleans	yes	yes	yes	yes	yes	no	no	yes
New York	yes	yes	no	no	no	no	no	yes
Norfolk	yes	yes	no	yes	no	no	no	no
Oakland	yes	yes	no	no	no	no	no	yes
Oklahoma City	yes	yes	yes	no	yes	no	no	yes
Omaha	yes	no	no	no	no	no	no	yes
Philadelphia	yes	no	yes	no	no	no	no	no
Phoenix	yes	yes	no	yes	no	no	no	yes
Portland	yes	yes	yes	no	yes	no	no	yes
Rochester	yes	yes	yes	yes	yes	no	yes	no
Sacramento	yes	yes	no	yes	no	no	no	no
St. Louis	yes	yes	no	no	no	no	no	no
St. Paul	yes	no	no	no	no	no	no	no
San Antonio	yes	yes	no	yes	no	no	no	yes
San Diego	no	no	no	no	no	no	no	yes
San Francisco	yes	no	no	no	no	no	no	no
San Jose	yes	yes	no	yes	no	no	yes	yes
Seattle	yes	yes	yes	no	yes	no	no	yes
Tampa	yes	no	no	no	no	no	no	no
Toledo	yes	yes	no	no	no	no	no	yes
Tucson	yes	yes	yes	no	no	no	no	yes
Tulsa	yes	no	no	no	no	no	no	no
Washington	yes	yes	no	no	no	no	no	no
Wichita	yes	yes	yes	yes	no	no	yes	yes

TABLE K-37

REVIEW OF POLICE USE OF DEADLY FORCE INCIDENTS

Agency	Dept. Command Staff	Internal Affairs Unit	Police Chief	Mayor or Manager	Dept. Review Board	Civilian Review Board	District Attorney	Police Union	Other
Akron	yes	no	yes	yes	yes	no	no	no	no
Albuquerque	yes	yes	yes	no	yes	no	yes	no	no
Austin	yes	no	yes	no	no	no	yes	no	yes
Baltimore	yes	yes	yes	no	no	no	yes	no	yes
Birmingham	no	yes	no	no	yes	no	no	no	no
Boston	no	yes	yes	no	yes	no	no	no	no
Buffalo	yes	yes	yes	no	no	no	yes	no	no
Charlotte	no	yes	yes	no	yes	no	no	no	no
Chicago	yes	no	yes	no	no	no	yes	no	yes
Cincinnagi	no	yes	yes	no	no	no	yes	no	yes
Cleveland	yes	no	no	no	no	no	yes	no	yes
Columbus	no	yes	yes	no	yes	no	yes	no	yes
Dallas	no	yes	yes	no	no	no	yes	no	no
Denver	yes	yes	yes	no	no	no	yes	no	yes
Detroit	no	no	yes	no	yes	no	yes	no	yes
El Paso	no	yes	no	no	no	no	no	no	yes
Fort Worth	no	yes	yes	no	no	no	no	no	yes
Honolulu	yes	yes	yes	no	yes	no	yes	no	no
Houston	yes	yes	yes	no	yes	no	yes	no	yes
Indianapolis	no	no	yes	no	yes	no	yes	no	no
Jacksonville	yes	yes	yes	no	yes	no	yes	no	no
Kansas City	no	yes	yes	no	yes	no	yes	no	yes
Long Beach	no	no	no	no	yes	no	yes	no	no
Los Angeles	yes	no	yes	no	yes	no	yes	no	yes
Louisville	yes	yes	yes	no	no	no	yes	no	no
Memphis	yes	no	yes	no	no	no	no	no	yes
Miami	no	yes	yes	no	yes	no	yes	no	no
Minneapolis	yes	no	no	no	yes	no	yes	no	no
Nashville	no	no	yes	no	no	no	no	no	no
Newark	no	yes	no	no	no	no	no	no	no
New Orleans	yes	yes	no	no	no	no	yes	no	no
New York	no	no	no	no	yes	no	no	no	no
Norfolk	yes	yes	yes	no	no	no	yes	no	no
Oakland	yes	no	no	no	yes	no	yes	no	no
Oklahoma City	yes	no	yes	no	yes	no	yes	no	no
Omaha	yes	yes	yes	yes	no	no	no	no	yes
Philadelphia	no	no	no	no	yes	no	no	no	no
Phoenix	yes	yes	yes	no	yes	no	yes	no	no
Portland	yes	no	yes	yes	yes	no	yes	no	no
Rochester	yes	yes	yes	no	no	no	yes	no	no
Sacramento	yes	yes	yes	no	no	no	yes	no	no
St. Louis	no	yes	yes	no	no	no	yes	no	yes
St. Paul	no	no	no	no	yes	no	no	no	no
San Antonio	no	yes	yes	no	no	no	yes	no	no
San Diego	yes	yes	yes	no	yes	no	yes	no	no
San Francisco	yes	no	yes	no	yes	no	yes	no	no
San Jose	yes	yes	yes	no	no	no	yes	no	yes
Seattle	no	no	yes	no	yes	no	yes	no	yes
Tampa	yes	no	yes	yes	yes	no	yes	no	no
Toledo	yes	yes	yes	no	yes	no	no	no	yes
Tucson	yes	yes	yes	no	yes	no	yes	no	no
Tulsa	no	no	yes	no	yes	no	yes	no	no
Washington	no	yes	yes	no	yes	no	no	no	no
Wichita	yes	yes	yes	yes	no	no	yes	no	yes

TABLE K-38

DECISIONMAKERS TO PURSUE CRIMINAL CHARGES AGAINST POLICE OFFICERS WHO USE DEADLY FORCE

Agency	Mayor or Manager	Police Chief	Dept. Review Board	Citizen Review Board	Dept. Command Staff	Police Union	District Attorney	State Investigative Unit	FBI	Other
Akron	yes	yes	yes	no	yes	no	yes	no	yes	no
Albuquerque	no	yes	no	no	yes	no	yes	no	no	no
Austin	no	yes	yes	no	yes	no	yes	no	yes	yes
Baltimore	no	no	no	no	no	no	yes	no	no	no
Birmingham	no	no	no	no	no	no	yes	no	no	no
Boston	no	yes	yes	no	no	no	yes	no	no	no
Buffalo	no	yes	no	no	yes	no	yes	no	no	yes
Charlotte	no	yes	yes	no	no	no	yes	no	no	no
Chicago	no	yes	no	no	no	no	yes	no	no	yes
Cincinnati	no	yes	no	no	yes	no	yes	no	yes	no
Cleveland	no	no	no	no	no	no	yes	no	no	no
Columbus	no	yes	no	no	no	no	yes	no	no	yes
Dallas	no	no	no	no	no	no	yes	no	no	yes
Denver	no	no	no	no	no	no	yes	no	no	no
Detroit	no	yes	yes	no	no	no	yes	no	no	yes
El Paso	no	no	no	no	no	no	yes	no	no	no
Fort Worth	no	yes	no	no	no	no	yes	no	no	no
Honolulu	no	no	no	no	no	no	yes	no	no	no
Houston	no	yes	no	no	no	no	yes	no	no	yes
Indianapolis	no	no	no	no	no	no	yes	no	no	no
Jacksonville	no	no	no	no	no	no	yes	no	no	no
Kansas City	no	no	no	no	no	no	yes	no	no	yes
Long Beach	no	no	no	no	no	no	yes	no	no	no
Los Angeles	no	yes	no	no	yes	no	yes	no	yes	yes
Louisville	no	yes	no	no	yes	no	yes	no	no	no
Memphis	no	yes	no	no	yes	no	yes	no	no	yes
Miami	no	no	no	no	no	no	yes	no	no	yes
Minneapolis	no	no	no	no	no	no	yes	no	no	yes
Nashville	no	yes	yes	no	no	no	yes	no	no	no
Newark	no	yes	no	no	no	no	no	no	no	no
New Orleans	no	yes	no	no	yes	no	yes	no	yes	no
New York	no	no	no	no	no	no	yes	no	no	no
Norfolk	no	no	no	no	no	no	yes	no	no	no
Oakland	no	no	no	no	no	no	yes	no	no	no
Oklahoma City	no	yes	yes	no	yes	no	yes	yes	yes	no
Omaha	yes	yes	no	no	no	no	no	no	yes	yes
Philadelphia	no	yes	yes	no	no	no	yes	no	no	no
Phoenix	no	yes	no	no	yes	no	yes	no	no	no
Portland	no	no	no	no	no	no	yes	no	no	no
Rochester	no	yes	no	no	no	no	yes	no	no	no
Sacramento	no	yes	no	no	yes	no	yes	no	no	no
St. Louis	no	no	no	no	no	no	yes	no	no	no
St. Paul	no	no	no	no	no	no	no	no	no	yes
San Antonio	no	no	no	no	no	no	yes	no	yes	no
San Diego	no	yes	no	no	no	no	yes	no	no	no
San Francisco	no	no	no	no	no	no	yes	no	no	no
San Jose	no	yes	no	no	no	no	yes	no	no	no
Seattle	no	yes	yes	no	yes	no	yes	no	no	yes
Tampa	no	no	no	no	no	no	yes	no	no	no
Toledo	no	yes	yes	no	no	no	no	no	no	yes
Tucson	no	yes	yes	no	yes	no	yes	no	no	no
Tulsa	no	no	no	no	no	no	yes	no	no	no
Washington	no	no	no	no	no	no	yes	no	no	no
Wichita	yes	yes	no	no	yes	no	yes	yes	no	no

TABLE K-39

OFFICER ASSIGNMENT AFTER USING DEADLY FORCE

Agency	Response Code
Akron	5
Albuquerque	6
Austin	5
Baltimore	5
Birmingham	4
Boston	8
Buffalo	1
Charlotte	5
Chicago	9
Cincinnati	5
Cleveland	5
Columbus	5
Dallas	8
Denver	5
Detroit	3
El Paso	1
Fort Worth	1
Honolulu	4
Houston	5
Indianapolis	7
Jacksonville	1
Kansas City	5
Long Beach	5
Los Angeles	5
Louisville	3
Memphis	8
Miami	1
Minneapolis	4
Nashville	4
Newark	1
New Orleans	5
New York	1
Norfolk	1
Oakland	4
Oklahoma City	5
Omaha	5
Philadelphia	3
Phoenix	5
Portland	1
Rochester	3
Sacramento	0
St. Louis	1
St. Paul	8
San Antonio	7
San Diego	7
San Francisco	3
San Jose	4
Seattle	5
Tampa	4
Toledo	4
Tucson	5
Tulsa	8
Washington	4
Wichita	1

CODE:
1-Permitted to remain on regular assignment
2-Reassigned to another geographical area
3-Reassigned to another department unit
4-Placed on administrative leave
5-Other
6-Any of above
7-Regular or other
8-Regular or administrative
9-1+2+3+5

TABLE K-40

PROFESSIONAL PSYCHOLOGICAL SERVICES FOR OFFICERS USING DEADLY FORCE

Agency	Available	Mandatory
Akron	yes	no
Albuquerque	yes	no
Austin	yes	yes
Baltimore	yes	yes
Birmingham	no	
Boston	no	
Buffalo	no	
Charlotte	yes	no
Chicago	yes	no
Cincinnati	yes	no
Cleveland	yes	no
Columbus	yes	no
Dallas	yes	no
Denver	yes	no
Detroit	yes	yes
El Paso	no	
Fort Worth	no	
Honolulu	yes	no
Houston	yes	no
Indianapolis	yes	no
Jacksonville	no	
Kansas City	yes	yes
Long Beach	yes	yes
Los Angeles	yes	no
Louisville	no	
Memphis	yes	no
Miami	yes	no
Minneapolis	no	
Nashville	no	
Newark	no	
New Orleans	no	
New York	yes	no
Norfolk	no	
Oakland	yes	no
Oklahoma City	yes	yes
Omaha	yes	NR
Philadelphia	yes	no
Phoenix	yes	no
Portland	yes	no
Rochester	no	
Sacramento	yes	no
St. Louis	yes	no
St. Paul	yes	no
San Antonio	no	
San Diego	yes	no
San Francisco	no	
San Jose	yes	no
Seattle	yes	no
Tampa	yes	no
Toledo	yes	no
Tucson	yes	no
Tulsa	yes	no
Washington	yes	no
Wichita	yes	no

NR = No Response

TABLE K-41

EXISTENCE OF SWAT UNIT

Agency	Type of Unit
Akron	Call-up department unit
Albuquerque	Permanent department unit
Austin	Call-up department unit
Baltimore	Permanent department unit
Birmingham	Permanent department unit
Boston	Call-up department unit
Buffalo	Call-up department unit
Charlotte	Call-up department unit
Chicago	Call-up department unit
Cincinnati	Call-up department unit
Cleveland	Permanent department unit
Columbus	Permanent department unit
Dallas	Permanent department unit
Denver	None
Detroit	None
El Paso	Call-up department unit
Fort Worth	None
Honolulu	Permanent department unit
Houston	Permanent department unit
Indianapolis	Call-up department unit
Jacksonville	Permanent department unit
Kansas City	Permanent department unit
Long Beach	Call-up department unit
Los Angeles	Permanent department unit
Louisville	Call-up department unit
Memphis	Permanent department unit
Miami	Call-up department unit
Minneapolis	Call-up department unit
Nashville	Call-up department unit
Newark	Permanent department unit
New Orleans	Permanent department unit
New York	None
Norfolk	Call-up department unit
Oakland	None
Oaklahoma City	Call-up department unit
Omaha	Call-up regional unit
Philadelphia	Permanent department unit
Phoenix	Permanent department unit
Portland	Call-up department unit
Rochester	Call-up department unit
Sacramento	Permanent department unit
St. Louis	Permanent department unit
St. Paul	Call-up department unit
San Antonio	Permanent department unit
San Diego	Call-up department unit
San Francisco	Call-up department unit
San Jose	Permanent department unit
Seattle	Call-up department unit
Tampa	Call-up department unit
Toledo	Call-up department unit
Tucson	Call-up department unit
Tulsa	Call-up department unit
Washington	Permanent department unit
Wichita	None

TABLE K-42

STANDARDS FOR SELECTION OF SWAT UNIT MEMBERS

Agency	Years of Police Service	Physical Evaluation	Psychological Evaluation	Age	Firearms Proficiency	Special Qualification
Akron	yes	yes	yes	yes	yes	yes
Albuquerque	yes	yes	no	no	yes	no
Austin	no	yes	no	no	yes	no
Baltimore	yes	yes	yes	no	yes	yes
Birmingham	yes	yes	no	no	no	yes
Boston	yes	yes	yes	yes	yes	yes
Buffalo	yes	yes	yes	yes	yes	yes
Charlotte	yes	yes	no	yes	yes	yes
Chicago	yes	yes	no	no	yes	no
Cincinnati	yes	yes	yes	yes	yes	yes
Cleveland	yes	yes	yes	no	no	yes
Columbus	yes	yes	yes	yes	yes	no
Dallas	yes	yes	yes	no	yes	no
Denver	no	no	no	no	no	no
Detroit	no	no	no	no	no	no
El Paso	yes	yes	no	no	yes	yes
Fort Worth	no	no	no	no	no	no
Honolulu	yes	yes	no	no	yes	no
Houston	yes	yes	yes	yes	no	no
Indianapolis	yes	yes	yes	yes	yes	yes
Jacksonville	yes	yes	no	no	no	no
Kansas City	yes	yes	yes	no	no	no
Long Beach	yes	yes	no	no	yes	no
Los Angeles	yes	yes	no	yes	no	no
Louisville	yes	yes	yes	no	yes	yes
Memphis	yes	yes	yes	yes	yes	yes
Miami	yes	yes	no	no	no	yes
Minneapolis	yes	yes	no	yes	yes	yes
Nashville	yes	yes	yes	yes	yes	yes
Newark	yes	yes	yes	yes	yes	yes
New Orleans	no	yes	yes	yes	yes	yes
New York	no	no	no	no	no	no
Norfolk	yes	yes	no	yes	yes	no
Oakland	no	no	no	no	no	no
Oklahoma City	yes	yes	no	no	yes	yes
Omaha	yes	yes	yes	yes	yes	yes
Philadelphia	yes	yes	yes	yes	yes	yes
Phoenix	yes	yes	no	no	no	no
Portland	yes	yes	no	no	yes	yes
Rochester	yes	yes	no	yes	yes	yes
Sacramento	yes	yes	no	no	no	no
St. Louis	yes	yes	yes	yes	yes	yes
St. Paul	yes	yes	no	no	yes	yes
San Antonio	yes	yes	yes	no	yes	no
San Diego	yes	yes	no	no	yes	yes
San Francisco	no	no	no	no	no	no
San Jose	yes	yes	yes	no	yes	no
Seattle	yes	yes	yes	no	yes	no
Tampa	yes	yes	yes	yes	yes	yes
Toledo	no	no	no	no	no	no
Tucson	yes	yes	no	no	yes	yes
Tulsa	yes	yes	no	no	yes	yes
Washington	yes	yes	no	yes	yes	no
Wichita	no	no	no	no	no	no

TABLE K-43

WEAPONS USED BY SWAT UNIT

Agency	High Power Rifle	Machine Gun	Shotgun	Semi Automatic Handgun	Service Revolver	Smoke Grenade	Magnums	Stun Gun	Other
Akron	yes	no	yes	no	yes	yes	no	yes	yes
Albuquerque	yes	no	yes	yes	yes	yes	yes	no	yes
Austin	yes	no	yes	no	yes	yes	no	no	no
Baltimore	yes	yes	yes	no	yes	yes	no	no	no
Birmingham	yes	no	yes	no	yes	yes	no	no	no
Boston	yes	yes	yes	no	yes	yes	no	no	yes
Buffalo	yes	yes	yes	yes	yes	yes	yes	no	yes
Charlotte	yes	no	yes	no	yes	yes	yes	no	yes
Chicago	yes	no	yes	no	yes	yes	no	no	yes
Cincinnati	yes	yes	yes	yes	yes	yes	yes	no	yes
Cleveland	yes	yes	yes	yes	yes	yes	no	no	no
Columbus	yes	yes	yes	no	yes	yes	no	no	no
Dallas	yes	yes	yes	yes	yes	yes	yes	no	yes
Denver	no	no	no	no	no	no	no	no	no
Detroit	no	no	no	no	no	no	no	no	no
El Paso	yes	no	yes	no	yes	yes	no	no	yes
Fort Worth	no	no	no	no	no	no	no	no	no
Honolulu	yes	yes	yes	no	yes	yes	no	no	yes
Houston	yes	yes	yes	yes	no	yes	no	no	yes
Indianapolis	yes	no	yes	no	yes	yes	yes	no	no
Jacksonville	yes	yes	yes	yes	yes	yes	no	yes	no
Kansas City	yes	no	yes	no	yes	yes	no	no	yes
Long Beach	yes	yes	yes	yes	no	yes	no	no	no
Los Angeles	yes	yes	yes	yes	no	yes	no	no	no
Louisville	yes	yes	yes	yes	yes	yes	yes	no	no
Memphis	yes	yes	yes	yes	yes	yes	yes	no	no
Miami	yes	no	yes	no	yes	yes	no	no	no
Minneapolis	yes	no	yes	no	yes	yes	no	no	yes
Nashville	yes	yes	yes	yes	no	yes	no	no	no
Newark	yes	no	yes	no	yes	yes	no	no	no
New Orleans	yes	yes	yes	yes	yes	yes	no	yes	yes
New York	no	no	no	no	no	no	no	no	no
Norfolk	yes	yes	yes	no	no	no	no	no	no
Oakland	no	no	no	no	no	no	no	no	no
Oklahoma City	yes	no	yes	no	yes	yes	yes	no	yes
Omaha	yes	no	yes	no	yes	yes	no	no	yes
Philadelphia	yes	yes	yes	yes	yes	yes	no	no	no
Phoenix	yes	no	yes	no	yes	yes	yes	no	yes
Portland	yes	yes	yes	no	yes	yes	no	no	yes
Rochester	yes	yes	yes	no	yes	yes	no	no	no
Sacramento	yes	yes	yes	no	yes	yes	no	no	yes
St. Louis	yes	no	yes	no	yes	yes	no	no	no
St. Paul	yes	yes	yes	no	yes	yes	no	no	yes
San Antonio	yes	no	yes	no	yes	yes	no	no	yes
San Diego	yes	yes	yes	no	yes	yes	no	no	no
San Francisco	yes	no	yes	no	yes	yes	no	yes	no
San Jose	yes	yes	yes	yes	yes	yes	yes	no	no
Seattle	yes	no	yes	no	yes	no	yes	no	yes
Tampa	yes	no	yes	no	yes	yes	no	no	yes
Toledo	yes	no	no	no	no	no	no	no	no
Tucson	yes	yes	yes	yes	yes	yes	no	no	yes
Tulsa	yes	no	yes	no	yes	yes	no	no	yes
Washington	yes	yes	yes	yes	yes	yes	no	no	no
Wichita	no	no	no	no	no	no	no	no	no

TABLE K-44

TRAINING FOR SWAT UNIT MEMBERS

Agency	Training by FBI	Training by State	Training by Department	Pre-Service Training Hours	In-Service Training Hours
Akron	yes	yes	yes	80	96
Albuquerque	yes	no	yes	40	120
Austin	yes	no	yes	0	0
Baltimore	yes	no	yes	80	96
Birmingham	no	no	yes	80	128
Boston	no	no	yes	24	24
Buffalo	yes	no	yes	240	120
Charlotte	yes	no	yes	60	96
Chicago	no	no	yes	40	88
Cincinnati	no	no	yes	40	112
Cleveland	no	no	yes	80	0
Columbus	yes	yes	yes	80	96
Dallas	yes	yes	yes	0	120
Denver	no	no	no	0	0
Detroit	no	no	no	0	0
El Paso	yes	no	yes	40	192
Fort Worth	no	no	no	0	0
Honolulu	yes	no	yes	0	0
Houston	yes	no	yes	40	832
Indianapolis	no	no	yes	0	0
Jacksonville	yes	no	yes	50	272
Kansas City	no	no	yes	80	96
Long Beach	yes	no	yes	30	120
Los Angeles	no	no	yes	40	200
Louisville	yes	no	yes	40	40
Memphis	yes	no	yes	10	0
Miami	no	no	yes	80	120
Minneapolis	yes	no	yes	16	48
Nashville	no	no	yes	0	0
Newark	yes	yes	yes	80	200
New Orleans	yes	no	yes	20	192
New York	no	no	no	0	0
Norfolk	no	no	yes	84	168
Oakland	no	no	no	0	0
Oklahoma City	yes	no	yes	0	192
Omaha	yes	no	yes	8	80
Philadelphia	no	no	yes	0	0
Phoenix	yes	no	yes	0	100
Portland	yes	no	yes	40	96
Rochester	no	no	yes	0	106
Sacramento	yes	no	yes	80	144
St. Louis	yes	yes	yes	80	75
St. Paul	yes	no	yes	12	50
San Antonio	yes	no	yes	40	148
San Diego	no	yes	yes	48	96
San Francisco	yes	no	yes	0	0
San Jose	no	no	yes	40	100
Seattle	yes	yes	yes	200	96
Tampa	yes	no	yes	40	96
Toledo	no	no	yes	40	40
Tucson	no	no	yes	48	96
Tulsa	no	no	yes	40	40
Washington	no	no	yes	40	60
Wichita	no	no	no	0	0
			Mean	40.9	96.1
			Maximum	240.0	832.0

TABLE K-45

EXISTENCE OF STAKE-OUT UNIT

Agency	Type of Unit
Akron	None
Albuquerque	None
Austin	Call-up department unit
Baltimore	None
Birmingham	Call-up department unit
Boston	None
Buffalo	Call-up department unit
Charlotte	None
Chicago	None
Cincinnati	None
Cleveland	None
Columbus	Permanent department unit
Dallas	Call-up department unit
Denver	None
Detroit	None
El Paso	Permanent department unit
Fort Worth	None
Honolulu	Call-up department unit
Houston	None
Indianapolis	None
Jacksonville	None
Kansas City	None
Long Beach	Call-up department unit
Los Angeles	None
Louisville	None
Memphis	None
Miami	None
Minneapolis	None
Nashville	Call-up department unit
Newark	None
New Orleans	Permanent department unit
New York	None
Norfolk	None
Oakland	None
Oklahoma City	None
Omaha	None
Philadelphia	Permanent department unit
Phoenix	Call-up department unit
Portland	None
Rochester	Call-up department unit
Sacramento	None
St. Louis	None
St. Paul	None
San Antonio	None
San Diego	None
San Francisco	Call-up department unit
San Jose	None
Seattle	None
Tampa	None
Toledo	None
Tucson	None
Tulsa	None
Washington	None
Wichita	None

TABLE K-46

STANDARDS FOR SELECTION OF STAKE-OUT UNIT MEMBERS

Agency	Years of Police Service	Physical Evaluation	Psychological Evaluation	Age	Firearms Qualification
Akron	no	no	no	no	no
Albuquerque	no	no	no	no	no
Austin	yes	no	no	no	no
Baltimore	no	no	no	no	no
Birmingham	yes	yes	no	no	no
Boston	no	no	no	no	no
Buffalo	no	no	no	no	no
Charlotte	no	no	no	no	no
Cleveland	no	no	no	no	no
Columbus	yes	yes	yes	yes	yes
Dallas	yes	yes	yes	no	yes
Denver	no	no	no	no	no
Detroit	no	no	no	no	no
El Paso	yes	yes	no	no	yes
Fort Worth	no	no	no	no	no
Honolulu	yes	no	no	no	no
Houston	no	no	no	no	no
Indianapolis	no	no	no	no	no
Jacksonville	no	no	no	no	no
Kansas City	no	no	no	no	no
Long Beach	no	no	no	no	no
Los Angeles	no	no	no	no	no
Louisville	no	no	no	no	no
Memphis	no	no	no	no	no
Miami	no	no	no	no	no
Minneapolis	no	no	no	no	no
Nashville	yes	yes	yes	yes	yes
Newark	no	no	no	no	no
New Orleans	yes	yes	yes	yes	yes
New York	no	no	no	no	no
Norfolk	no	no	no	no	no
Oakland	no	no	no	no	no
Oklahoma City	no	no	no	no	no
Omaha	no	no	no	no	no
Philadelphia	yes	yes	yes	yes	yes
Phoenix	yes	no	no	no	no
Portland	no	no	no	no	no
Rochester	yes	yes	yes	no	yes
Sacramento	no	no	no	no	no
St. Louis	no	no	no	no	no
St. Paul	no	no	no	no	no
San Antonio	no	no	no	no	no
San Diego	no	no	no	no	no
San Francisco	no	no	no	no	no
San Jose	no	no	no	no	no
Seattle	no	no	no	no	no
Tampa	no	no	no	no	no
Toledo	no	no	no	no	no
Tucson	no	no	no	no	no
Tulsa	no	no	no	no	no
Washington	no	no	no	no	no
Wichita	no	no	no	no	no

TABLE K-47

WEAPONS USED BY STAKE-OUT UNIT

Agency	High Power Rifle	Automatic Machine Gun	Shot-gun	Semi Automatic Handgun	Service Revolver	Smoke Grenade	Magnum	Stun Gun	Other
Akron	no	no	no	no	no	no	no	no	no
Albuquerque	no	no	no	no	no	no	no	no	no
Austin	no	no	yes	no	yes	no	no	no	no
Baltimore	no	no	no	no	no	no	no	no	no
Birmingham	yes	no	yes	no	yes	yes	no	no	no
Boston	no	no	no	no	no	no	no	no	no
Buffalo	no	no	no	no	no	no	no	no	yes
Charlotte	no	no	no	no	no	no	no	no	no
Chicago	no	no	no	no	no	no	no	no	no
Cincinnati	no	no	no	no	no	no	no	no	no
Cleveland	no	no	no	no	no	no	no	no	no
Columbus	yes	yes	yes	no	yes	yes	no	no	no
Dallas	no	no	yes	no	yes	no	no	no	no
Denver	no	no	no	no	no	no	no	no	no
Detroit	no	no	no	no	no	no	no	no	no
El Paso	no	no	yes	no	yes	no	no	no	no
Fort Worth	no	no	no	no	no	no	no	no	no
Honolulu	no	yes	yes	no	yes	no	no	no	no
Houston	no	no	no	no	no	no	no	no	no
Indianapolis	no	no	no	no	no	no	no	no	no
Jacksonville	no	no	no	no	no	no	no	no	no
Kansas City	no	no	no	no	no	no	no	no	no
Long Beach	no	no	yes	yes	yes	no	no	no	no
Los Angeles	no	no	no	no	no	no	no	no	no
Louisville	no	no	no	no	no	no	no	no	no
Memphis	no	no	no	no	no	no	no	no	no
Miami	no	no	no	no	no	no	no	no	no
Minneapolis	no	no	no	no	no	no	no	no	no
Nashville	no	no	yes	no	yes	no	no	no	no
Newark	no	no	no	no	no	no	no	no	no
New Orleans	no	no	yes	yes	yes	no	no	no	no
New York	no	no	no	no	no	no	no	no	no
Norfolk	no	no	no	no	no	no	no	no	no
Oakland	no	no	no	no	no	no	no	no	no
Oklahoma City	no	no	no	no	no	no	no	no	no
Omaha	no	no	no	no	no	no	no	no	no
Philadelphia	yes	yes	yes	yes	yes	yes	no	no	no
Phoenix	no	no	yes	no	yes	no	yes	no	no
Portland	no	no	no	no	no	no	no	no	no
Rochester	no	no	yes	no	yes	no	no	no	no
Sacramento	no	no	no	no	no	no	no	no	no
St. Louis	no	no	no	no	no	no	no	no	no
St. Paul	no	no	no	no	no	no	no	no	no
San Antonio	no	no	no	no	no	no	no	no	no
San Diego	no	no	no	no	no	no	no	no	no
San Francisco	no	no	yes	no	yes	no	yes	no	no
San Jose	no	no	no	no	no	no	no	no	no
Seattle	no	no	no	no	no	no	no	no	no
Tampa	no	no	no	no	no	no	no	no	no
Toledo	no	no	no	no	no	no	no	no	no
Tucson	no	no	no	no	no	no	no	no	no
Tulsa	no	no	no	no	no	no	no	no	no
Washington	no	no	no	no	no	no	no	no	no
Wichita	no	no	no	no	no	no	no	no	no

TABLE K-48

PRINCIPLES OF HOSTAGE NEGOTIATION TAUGHT TO OTHER DEPARTMENT MEMBERS

Agency	Pre-Service Officers	In-Service Officers
Akron	yes	yes
Albuquerque	NR	NR
Austin	yes	yes
Baltimore	no	yes
Birmingham	no	no
Boston	NR	yes
Buffalo	yes	yes
Charlotte	yes	no
Chicago	yes	yes
Cincinnati	yes	yes
Cleveland	no	yes
Columbus	yes	yes
Dallas	no	no
Denver	yes	no
Detroit	NR	NR
El Paso	no	yes
Fort Worth	NR	NR
Honolulu	no	no
Houston	no	no
Indianapolis	yes	yes
Jacksonville	yes	yes
Kansas City	no	yes
Long Beach	no	yes
Los Angeles	yes	yes
Louisville	NR	yes
Memphis	yes	yes
Miami	no	no
Minneapolis	no	no
Nashville	yes	yes
Newark	no	yes
New Orleans	yes	yes
New York	yes	yes
Norfolk	yes	yes
Oakland	no	no
Oklahoma City	yes	yes
Omaha	yes	yes
Philadelphia	yes	yes
Phoenix	yes	yes
Portland	yes	yes
Rochester	yes	yes
Sacramento	yes	yes
St. Louis	no	no
St. Paul	yes	yes
San Antonio	yes	yes
San Diego	no	yes
San Francisco	no	no
San Jose	no	yes
Seattle	yes	yes
Tampa	yes	yes
Toledo	no	yes
Tucson	no	no
Tulsa	yes	yes
Washington	no	no
Wichita	NR	NR

NR = No Response

TABLE K-49

STANDARDS FOR SELECTION OF HOSTAGE UNIT MEMBERS

Agency	Years of Police Service	Psychological Evaluation	Age	Rank	Other
Akron	no	no	no	no	no
Albuquerque	no	no	no	no	no
Austin	no	no	no	no	yes
Baltimore	no	no	no	no	yes
Birmingham	yes	no	no	no	no
Boston	yes	yes	yes	yes	no
Buffalo	no	yes	no	no	yes
Charlotte	no	no	no	no	no
Chicago	yes	no	no	yes	yes
Cincinnati	no	no	no	no	yes
Cleveland	no	no	no	no	yes
Columbus	yes	yes	yes	no	yes
Dallas	yes	yes	no	yes	no
Denver	no	no	no	no	yes
Detroit	no	no	no	no	no
El Paso	yes	yes	yes	no	no
Fort Worth	no	no	no	no	no
Honolulu	yes	no	no	yes	no
Houston	yes	yes	yes	no	yes
Indianapolis	yes	yes	no	no	yes
Jacksonville	no	no	no	no	yes
Kansas City	yes	yes	no	yes	no
Long Beach	no	no	no	no	yes
Los Angeles	yes	yes	no	no	yes
Louisville	no	no	no	yes	yes
Memphis	no	no	no	no	no
Miami	yes	no	no	yes	no
Minneapolis	yes	no	yes	yes	no
Nashville	yes	yes	yes	yes	no
Newark	yes	yes	yes	yes	no
New Orleans	yes	yes	no	no	yes
New York	no	no	no	no	no
Norfolk	yes	no	yes	yes	no
Oakland	yes	no	yes	yes	yes
Oklahoma City	yes	yes	no	yes	yes
Omaha	yes	yes	yes	yes	yes
Philadelphia	yes	yes	yes	no	no
Phoenix	yes	no	no	no	yes
Portland	no	no	no	yes	yes
Rochester	no	no	no	no	yes
Sacramento	yes	no	yes	no	no
St. Louis	yes	yes	yes	yes	no
St. Paul	no	no	yes	yes	no
San Antonio	yes	no	yes	no	no
San Diego	yes	yes	yes	yes	no
San Francisco	yes	yes	no	no	no
San Jose	yes	yes	no	yes	yes
Seattle	yes	yes	no	yes	yes
Tampa	yes	yes	yes	yes	no
Toledo	no	no	no	no	no
Tucson	no	yes	no	no	yes
Tulsa	yes	no	no	no	yes
Washington	yes	yes	no	no	no
Wichita	no	no	no	no	no

TABLE K-50

EXISTENCE OF HOSTAGE NEGOTIATION UNIT

Agency	Type of Unit
Akron	None
Albuquerque	None
Austin	Call-up unit
Baltimore	None
Birmingham	Call-up unit
Boston	Call-up unit
Buffalo	Call-up unit
Charlotte	None
Chicago	Permanent unit
Cincinnati	Call-up unit
Cleveland	Permanent unit
Columbus	Permanent unit
Dallas	Permanent unit
Denver	Call-up unit
Detroit	None
El Paso	Call-up unit
Fort Worth	None
Honolulu	Call-up unit
Houston	Call-up unit
Indianapolis	Call-up unit
Jacksonville	Permanent unit
Kansas City	Call-up unit
Long Beach	Call-up unit
Los Angeles	Call-up unit
Louisville	Call-up unit
Memphis	None
Miami	Call-up unit
Minneapolis	Call-up unit
Nashville	Call-up unit
Newark	Permanent unit
New Orleans	Permanent unit
New York	NR
Norfolk	Call-up unit
Oakland	Call-up unit
Oklahoma City	Call-up unit
Omaha	Permanent unit
Philadelphia	Call-up unit
Phoenix	Permanent unit
Portland	Call-up unit
Rochester	Call-up unit
Sacramento	Call-up unit
St. Louis	NR
St. Paul	Call-up unit
San Antonio	Permanent unit
San Diego	Call-up unit
San Francisco	Call-up unit
San Jose	Call-up unit
Seattle	Call-up unit
Tampa	Call-up unit
Toledo	Call-up unit
Tucson	Call-up unit
Tulsa	Call-up unit
Washington	Permanent unit
Wichita	None

NR = No Response

TABLE K-51

DEPARTMENTAL OFFICER SURVIVAL COURSE

Agency	Pre-Service Officers	In-Service Officers
Akron	no	no
Albuquerque	yes	yes
Austin	no	NR
Baltimore	yes	yes
Birmingham	no	yes
Boston	no	no
Buffalo	no	no
Charlotte	yes	no
Chicago	yes	yes
Cincinnati	yes	yes
Cleveland	no	yes
Columbus	yes	yes
Dallas	yes	yes
Denver	yes	yes
Detroit	yes	yes
El Paso	yes	yes
Fort Worth	no	no
Honolulu	no	no
Houston	yes	yes
Indianapolis	yes	yes
Jacksonville	no	yes
Kansas City	yes	no
Long Beach	yes	yes
Los Angeles	yes	yes
Louisville	yes	yes
Memphis	yes	no
Miami	no	no
Minneapolis	no	no
Nashville	yes	yes
Newark	no	no
New Orleans	yes	yes
New York	yes	yes
Norfolk	no	no
Oakland	yes	yes
Oklahoma City	yes	yes
Omaha	yes	yes
Philadelphia	yes	NR
Phoenix	yes	yes
Portland	no	no
Rochester	no	no
Sacramento	yes	yes
St. Louis	yes	yes
St. Paul	yes	yes
San Antonio	no	no
San Diego	yes	yes
San Francisco	yes	no
San Jose	yes	yes
Seattle	no	no
Tampa	yes	yes
Toledo	no	yes
Tucson	no	no
Tulsa	no	no
Washington	no	no
Wichita	yes	yes

NR = No Response

TABLE K-52

EXISTENCE OF DECOY UNIT

Agency	Type of Unit
Akron	None
Albuquerque	None
Austin	None
Baltimore	None
Birmingham	Call-up department unit
Boston	Call-up department unit
Buffalo	Permanent department unit
Charlotte	None
Chicago	Permanent department unit
Cincinnati	None
Cleveland	Call-up department unit
Columbus	Permanent department unit
Dallas	None
Denver	None
Detroit	None
El Paso	Permanent department unit
Fort Worth	None
Honolulu	Call-up department unit
Houston	None
Indianapolis	None
Jacksonville	Permanent department unit
Kansas City	Call-up department unit
Long Beach	None
Los Angeles	None
Louisville	None
Memphis	None
Miami	None
Minneapolis	Call-up department unit
Nashville	None
Newark	None
New Orleans	Permanent department unit
New York	Permanent department unit
Norfolk	None
Oakland	None
Oklahoma City	None
Omaha	None
Philadelphia	Permanent department unit
Phoenix	Call-up department unit
Portland	None
Rochester	Call-up department unit
Sacramento	Permanent department unit
St. Louis	None
St. Paul	None
San Antonio	None
San Diego	None
San Francisco	Permanent department unit
San Jose	Permanent department unit
Seattle	Call-up department unit
Tampa	None
Toledo	None
Tucson	None
Tulsa	None
Washington	Call-up department unit
Wichita	None

TABLE K-53

STANDARDS FOR SELECTION OF DECOY UNIT MEMBERS

Agency	Sworn Officer Status	Years of Police Service	Psychological Evaluation	Seniority/ Age
Akron	no	no	no	no
Albuquerque	no	no	no	no
Austin	no	no	no	no
Baltimore	no	no	no	no
Birmingham	yes	yes	no	no
Boston	yes	yes	yes	no
Buffalo	yes	yes	yes	yes
Charlotte	no	no	no	no
Chicago	yes	no	no	yes
Cincinnagi	no	no	no	no
Cleveland	no	no	no	no
Columbus	yes	yes	yes	yes
Dallas	no	no	no	no
Denver	no	no	no	no
Detroit	no	no	no	no
El Paso	yes	yes	no	no
Fort Worth	no	no	no	no
Honolulu	yes	yes	no	no
Houston	no	no	no	no
Indianapolis	no	no	no	no
Jacksonville	yes	no	no	no
Kansas City	no	no	no	no
Long Beach	no	no	no	no
Los Angeles	no	no	no	no
Louisville	no	no	no	no
Memphis	no	no	no	no
Miami	no	no	no	no
Minneapolis	yes	yes	no	yes
Nashville	no	no	no	no
Newark	no	no	no	no
New Orleans	yes	yes	yes	yes
New York	yes	yes	yes	yes
Norfolk	no	no	no	no
Oakland	no	no	no	no
Oklahoma City	no	no	no	no
Omaha	no	no	no	no
Philadelphia	yes	yes	yes	yes
Phoenix	yes	yes	no	no
Portland	no	no	no	no
Rochester	no	no	no	no
Sacramento	yes	yes	no	yes
St. Louis	no	no	no	no
St. Paul	no	no	no	no
San Antonio	no	no	no	no
San Diego	no	no	no	no
San Francisco	yes	yes	no	yes
San Jose	yes	yes	no	no
Seattle	yes	yes	no	no
Tampa	no	no	no	no
Toledo	no	no	no	no
Tucson	no	no	no	no
Tulsa	no	no	no	no
Washington	no	no	no	no
Wichita	no	no	no	no

APPENDIX L

TIME SERIES INTERVENTION ANALYSIS

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TECHNICAL APPENDIX

Time Series Intervention Analysis of Police Firearm Discharges

Introduction

The purpose of this technical appendix is to present the results of two studies aimed at determining whether the introduction of certain interventions in police agencies has an effect on the volume of incidents involving firearm discharges. As an example of such an intervention, suppose a police agency establishes a Hostage Negotiation Unit for the specific purpose of responding to incidents in which one or more persons are considered dangerous. The unit is given special training on how to handle these types of incidents without resorting to the use of firearms. As a result, the volume of incidents involving firearm discharges may decrease because the Hostage Negotiation Unit is called when appropriate and is able to defuse the incident. On the other hand, there may be no change in the volume of firearm discharges because the types of incidents applicable for the unit occur only rarely. There is also the possibility that firearm discharges will increase because the unit becomes overzealous in its own use of weapons.

The questionnaire on the use of deadly force asked several questions concerning what interventions had been introduced at the police departments which might have an effect on the volume of firearm discharges. A complete list of the interventions is as follows:

- Changes in Police Chief Executive
- Introduction of a Policy Regarding Off-Duty Employment
- Indictments of Police Personnel for Use of Deadly Force
- Labor Strikes or Employee Job Actions
- Crisis Intervention Training
- Local Citizen Firearm Registration Law in the Jurisdiction
- Introduction of a Policy on Carrying Weapons Off Duty
- Introduction of a Policy on Carrying a Second or Backup Weapon While On Duty
- Registration of Off-Duty or Backup Weapon with the Department
- Use of Nonlethal Weapons

- Adoption of Soft Body Armor for Patrol Officers
- Introduction or Discontinuance of SWAT Unit
- Introduction or Discontinuance of Stake-Out Unit
- Introduction or Discontinuance of Hostage Negotiation Unit
- Introduction or Discontinuance of Decoy Unit
- Principles of Hostage Negotiations Taught to Officers.

It should be noted that some of these interventions could occur more than once over a period of time. For example, some departments reported several indictments of police personnel over a five-year period.

For each intervention, the questionnaire asked for the specific month and year in which it occurred. The police departments were very responsive in listing their interventions and giving the appropriate dates. In a few instances, follow-up calls were made to some departments to verify the correct date.

In addition to asking about the occurrance and dates of these interventions, there was one key table in the questionnaire for entering the volume of incidents involving police firearms. The accompanying question for this table was as follows:

> 10. How many actual incidents in which police firearms were discharged in confrontations with other persons. Do not count incidents involving animals and training exercises. Please include off-duty and out-of-city incidents. Include all warning shots and accidental discharges. Count each incident as one (1) even though multiple shots may have been fired at a single incident scene.

The table allowed the respondents to fill in the number of incidents by month for the years 1975 through 1979. If fully completed, the table would have 60 entries or points of data on the volume of firearm discharges experienced.

Of the 54 questionnaires, a total of 30 provided a full five-year history of data and a total of 43 completed at least part of the table. To get an indication of the volume of incidents, Table 1 gives the average number of incidents per month for the five years. The number in parentheses is the number of respondents which provided data for that month. The weighted averages for the years show that the average was highest for

Table 1

Average Number of Firearm Discharges Per Month

	1975	1976	1977	1978	1979	Weighted Average
January	6.27 (30)	4.06 (35)	3.61 (38)	4.38 (40)	3.98 (42)	4.38
February	3.77 (30)	5.54 (35)	3.74 (38)	3.15 (40)	3.07 (42)	3.81
March	4.50 (30)	5.17 (35)	4.95 (38)	3.55 (40)	4.14 (42)	4.43
April	3.83 (30)	4.66 (35)	3.95 (38)	4.08 (40)	3.69 (42)	4.03
May	3.47 (30)	5.17 (35)	4.50 (38)	3.63 (40)	3.36 (42)	4.01
June	4.20 (30)	4.31 (35)	3.40 (38)	3.30 (40)	3.29 (42)	3.66
July	3.37 (30)	4.71 (35)	4.42 (38)	3.78 (40)	3.61 (43)	3.98
August	4.57 (30)	5.63 (35)	4.84 (38)	3.90 (40)	3.70 (43)	4.48
September	4.30 (30)	5.60 (35)	4.47 (38)	4.00 (40)	3.98 (43)	4.44
October	4.77 (30)	4.57 (35)	4.71 (38)	3.78 (41)	4.12 (43)	4.35
November	3.26 (31)	4.51 (35)	4.05 (38)	3.10 (41)	4.16 (43)	3.79
December	4.16 (31)	4.46 (35)	4.29 (38)	4.12 (41)	3.77 (43)	4.11
Weighted Average	4.20	4.87	4.24	3.73	3.74	4.46

1976 and that the last two years reflect a slight decrease in the volume of incidents. The weighted averages by month do not show much variation and do not reflect a significant seasonal variation.

The remainder of this appendix discusses the two intervention analyses which were performed. Thirty-six months of data were considered the minimum amount needed to do the intervention analysis. The following discussion is, therefore, based on the 38 questionnaires which contained at least 36 months of historical data. In the first study, each of the 38 time series was considered as a candidate for a general model called the AutoRegressive-Integrated-Moving-Average (ARIMA) developed by Box and Jenkins (1978). Using the approach developed by Glass, Wilson and Gottman for intervention analysis, the ARIMA model was used to test whether the interventions in a given time series had an effect on the volume of incidents involving firearm discharges. The second analysis was based on a standard multivariate regression procedure. With this approach, the data from the 38 questionnaires were analyzed collectively to determine whether there were any interventions which did not show as being significant in the individual time series analysis but were significant when all the dated were viewed.

Study 1 -- ARIMA Time Series Analysis

The ARIMA approach was initially developed by Box and Jenkins as a formal procedure for modeling a series of observations taken at regular time intervals. In their classic book on the subject, they demonstrate the utility of ARIMA modeling on such diverse time series as chemical processes, stock prices, and airline reservations. Since that time, the general model has been widely used for an even greater variety of applications.

One of the enhancements to the model has been made by Glass, Wilson, and Gottman for the specific purpose of testing interventions which occur at points of time during a time series. The general procedure which they developed is to introduce variables into the ARIMA model to represent each of the interventions. After developing the entire ARIMA model for the series, these variables can then be tested for significance. It is this procedure which was used to test the intervention effects on incidents involving firearm discharges.

Graphs for all 38 time series are provided at the end of this technical appendix. One of the key assumptions for any time series analysis is that the observations in a given series be highly correlated or dependent on each other. Graphs of time series usually indicated this dependence by having some type of pattern to the data. When there is no high correlation between observations, it means that the time series is for all practical purpose a set of random numbers and therefore not amenable to time series analysis. The standard procedure for measuring the dependence is to calculate the lag 1 autocorrelation of the time series and test this autocorrelation for statistical significance. The lag 1 autocorrelation is defined as the correlation of the pairs of points obtained by combining successive observations. That is, it is the correlation based on the pairs of points (z_1, z_2), (z_2, z_3), (z_3, z_4), etc. A high autocorrelation at lag 1 is essential to the successful modeling of the series with the ARIMA procedure.

The 38 time series were carefully analyzed to determine the extent of dependence. In some instances, the analysis was refined to look at the sets of observations between interventions. It was found that most of the time series could, in fact, be considered as random numbers. That is, the lag 1 autocorrelation was not significantly different from zero. More specifically, 32 time series fell into this category. Table 2 lists the lag 1 autocorrelations for these 32 time series. The table also provides the number of observations in the series and a t-statistic for testing whether the autocorrelation differs significantly from zero. The t-statistic is derived by using the fact that when a series is completely random, the variance of the autocorrelations are a function of the number of observations and can be approximated by

$$\text{var}\ (r_k) = \frac{1}{N}$$

where N is the number of observations in the series and r_k is the autocorrelation of lag k. The corresponding standard error is the square root

Table 2

Lag 1 Autocorrelations

City	Autocorrelations	t-stat.	Months
Akron, Ohio	- .07	- .54	60
Albuquerque, N.M.	- .06	- .49	60
Baltimore, Md.	.19	1.45	60
Birmingham, Ala.	- .07	- .58	60
Charlotte, N.C.	.09	.74	60
Cincinnati, Ohio	.08	.62	60
Cleveland, Ohio	.05	.39	60
Columbus, Ohio	.03	.24	60
Dallas, Texas	- .04	- .32	60
Detroit, Michigan	.12	.94	60
Honolulu, Hawaii	- .17	-1.32	60
Indianapolis, Ind.	.14	1.10	60
Jacksonville, Fla.	.00	.00	36
Kansas City, Mo.	.17	1.35	60
Long Beach, Calif.	.03	.24	60
Los Angeles	.16	1.08	48
Memphis, Tennessee	- .05	- .42	60
Miami, Florida	.10	.74	60
Newark, N.J.	.20	1.43	50
New York, N.Y.	.00	.00	60
Norfolk, Virginia	- .19	-1.49	60
Phoenix, Arizona	- .08	- .63	60
Portland, Oregon	.09	.69	60
Rochester, N.Y.	.04	.30	60
Sacramento, Calif.	- .08	- .59	60
St. Louis, Mo.	.17	1.21	48
St. Paul, Minn.	.12	.90	60
San Jose, Calif.	.11	.85	60
Seattle, Wash.	.09	.70	60
Tampa, Fla.	- .18	-1.25	48
Tucson, Arizona	.02	.12	60

of this value. It can easily be seen that none of the autocorrelations come close to being significant at the five percent level.

This result is important because it means that the interventions in these cities have not caused the volume of incidents involving firearm discharges to develop into a systematic or dependent pattern. Table 3 gives a complete list of the interventions for each of these cities. The cities have had many changes over the five year period. However, the volume of incidents was basically a random series before each of these interventions and remained so after the interventions. A visual analysis of the graphs for these cities supports this result. With most of the cities, the monthly volume of incidents is very low for the entire five-year period with no significant change in volume with the introduction of the interventions.

The remaining six cities having significant lag 1 autocorrelations were Boston, Chicago, Nashville, Oklahoma City, San Antonio, and Wichita. The time series for these cities were modeled with the ARIMA process and tests were made to determine whether interventions in these cities changed the level of incidents involving firearm discharges. Before giving the results, the following paragraphs provide a brief introduction to ARIMA models and intervention analysis.

Consider a series of observations z_t, z_{t-1}, z_{t-2}, ... taken at equispaced time points t, t-2, t-2, ... The aim is to model the underlying structure in this series. To do so requires that the time series be "stationary" which means that the series is in equilibrium about a constant mean, μ. A nonstationary time series does not oscillate about a fixed mean but still has the property that one part of the series behaves much like any other part except for the level of the level plus a trend factor. In this sense the series exhibits homogeneity. Models for homogeneous nonstationary behavior can be developed by supposing some suitable difference of the series to be stationary. The first difference for a series is defined by $z_t - z_{t-1}$ for each t. A series may have to be differenced several times before it becomes stationary for the

Table 3

LIST OF INTERVENTIONS FOR ALL CITIES

CITY	DATE	INTERVENTION
AKRON	JUN 75	I. BACK-UP WEAPON REGISTRATION
	JUN 75	H. ON-DUTY BACK-UP WEAPON
	JUN 75	G. OFF-DUTY WEAPONS POLICY
	JUN 77	A. NEW CHIEF
	JAN 79	E. CRISIS INTERVENTION TRAINING
	SEP 79	B. OFF-DUTY EMPLOYMENT POLICY
ALBUQUERQUE	JUL 75	D. EMPLOYEE JOB ACTION
	JUL 79	H. ON-DUTY BACK-UP WEAPON
AUSTIN	JAN 75	E. CRISIS INTERVENTION TRAINING
	JAN 75	K. SOFT ARMOR ADOPTED
	APR 76	A. NEW CHIEF
	JAN 79	A. NEW CHIEF
	JAN 79	Q. HOSTAGE NEG. TRAINING START
BALTIMORE	OCT 75	Q. HOSTAGE NEG. TRAINING START
	JAN 76	R. HOSTAGE NEG. TRAINING ENDED
	FEB 76	K. SOFT ARMOR ADOPTED
	OCT 76	M. SWAT UNIT STARTED
	JUL 77	E. CRISIS INTERVENTION TRAINING
	APR 78	G. OFF-DUTY WEAPONS POLICY
BIRMINGHAM	OCT 78	A. NEW CHIEF
	APR 79	D. EMPLOYEE JOB ACTION
BOSTON	JAN 75	F. LOCAL FIREARM REGISTRATION
	NOV 75	C. INDICTMENT
	DEC 75	B. OFF-DUTY EMPLOYMENT POLICY
	OCT 76	E. CRISIS INTERVENTION TRAINING
	NOV 76	A. NEW CHIEF
	DEC 76	P. HOSTAGE NEGOTIATION UNIT
	DEC 76	Q. HOSTAGE NEG. TRAINING START
	JAN 77	R. HOSTAGE NEG. TRAINING ENDED
BUFFALO	JUL 75	E. CRISIS INTERVENTION TRAINING
	NOV 75	K. SOFT ARMOR ADOPTED
	SEP 76	C. INDICTMENT
	JAN 78	A. NEW CHIEF
	MAR 78	H. ON-DUTY BACK-UP WEAPON
	MAR 78	G. OFF-DUTY WEAPONS POLICY
	MAR 78	I. BACK-UP WEAPON REGISTRATION
	APR 78	P. HOSTAGE NEGOTIATION UNIT
	SEP 78	Q. HOSTAGE NEG. TRAINING START
CHARLOTTE	MAR 79	B. OFF-DUTY EMPLOYMENT POLICY
	DEC 79	H. ON-DUTY BACK-UP WEAPON
CHICAGO	JUL 75	E. CRISIS INTERVENTION TRAINING
	DEC 75	A. NEW CHIEF
	DEC 76	A. NEW CHIEF
	DEC 77	A. NEW CHIEF
	APR 78	A. NEW CHIEF
	JUN 79	A. NEW CHIEF
	AUG 79	A. NEW CHIEF
	DEC 79	P. HOSTAGE NEGOTIATION UNIT
	DEC 79	M. SWAT UNIT STARTED
CINCINNATI	JUL 76	A. NEW CHIEF
	APR 79	D. EMPLOYEE JOB ACTION
	MAY 79	K. SOFT ARMOR ADOPTED
CLEVELAND	MAY 75	A. NEW CHIEF
	JUN 75	C. INDICTMENT
	MAY 76	F. LOCAL FIREARM REGISTRATION
	JAN 77	B. OFF-DUTY EMPLOYMENT POLICY
	MAY 77	A. NEW CHIEF
	AUG 77	A. NEW CHIEF
	OCT 77	C. INDICTMENT
	OCT 77	I. BACK-UP WEAPON REGISTRATION
	DEC 77	S. DECOY UNIT DISCONTINUED
	DEC 77	A. NEW CHIEF
	JAN 78	Q. HOSTAGE NEG. TRAINING START
	MAR 78	A. NEW CHIEF
	MAR 78	C. INDICTMENT
	JUL 78	D. EMPLOYEE JOB ACTION
	OCT 78	A. NEW CHIEF
	JAN 79	M. SWAT UNIT STARTED
	FEB 79	G. OFF-DUTY WEAPONS POLICY
	NOV 79	A. NEW CHIEF
COLUMBUS	APR 75	B. OFF-DUTY EMPLOYMENT POLICY
	SEP 77	E. CRISIS INTERVENTION TRAINING
	MAY 78	C. INDICTMENT
	JUL 78	K. SOFT ARMOR ADOPTED
DALLAS	JUN 78	K. SOFT ARMOR ADOPTED
	JUN 78	P. HOSTAGE NEGOTIATION UNIT
	MAY 79	A. NEW CHIEF
DENVER	JAN 75	Q. HOSTAGE NEG. TRAINING START
	AUG 77	B. OFF-DUTY EMPLOYMENT POLICY
DETROIT	NOV 75	C. INDICTMENT
	DEC 75	K. SOFT ARMOR ADOPTED
	JAN 76	C. INDICTMENT
	JUL 76	D. EMPLOYEE JOB ACTION
	SEP 76	A. NEW CHIEF
	JAN 79	C. INDICTMENT
	JUL 79	E. CRISIS INTERVENTION TRAINING
	AUG 79	C. INDICTMENT
EL PASO	JUL*76	N. STAKE-OUT UNIT STARTED
	JUN 77	A. NEW CHIEF
	SEP 78	E. CRISIS INTERVENTION TRAINING
	SEP 79	B. OFF-DUTY EMPLOYMENT POLICY
FT. WORTH	JUN 76	A. NEW CHIEF
	JUN 76	K. SOFT ARMOR ADOPTED
	NOV 76	E. CRISIS INTERVENTION TRAINING
	SEP 78	B. OFF-DUTY EMPLOYMENT POLICY

Table 3 (Continued)

CITY	DATE	INTERVENTION
	APR 79	A. NEW CHIEF
	OCT 79	H. ON-DUTY BACK-UP WEAPON
	OCT 79	G. OFF-DUTY WEAPONS POLICY
	OCT 79	I. BACK-UP WEAPON REGISTRATION
HONOLULU	JUL 76	D. EMPLOYEE JOB ACTION
	JUN 79	C. INDICTMENT
	JUL 79	D. EMPLOYEE JOB ACTION
	SEP 79	B. OFF-DUTY EMPLOYMENT POLICY
HOUSTON	JUL 75	A. NEW CHIEF
	JAN 76	A. NEW CHIEF
	OCT 76	K. SOFT ARMOR ADOPTED
	MAR 77	B. OFF-DUTY EMPLOYMENT POLICY
	JUN 77	A. NEW CHIEF
	AUG 77	I. BACK-UP WEAPON REGISTRATION
	DEC 78	P. HOSTAGE NEGOTIATION UNIT
INDIANAPOLIS	JUL 75	M. SWAT UNIT STARTED
	DEC 75	A. NEW CHIEF
	JUL*76	K. SOFT ARMOR ADOPTED
	MAY 77	Q. HOSTAGE NEG. TRAINING START
	JUL 77	P. HOSTAGE NEGOTIATION UNIT
	OCT 77	D. EMPLOYEE JOB ACTION
	JUN 78	I. BACK-UP WEAPON REGISTRATION
	JUN 78	H. ON-DUTY BACK-UP WEAPON
	JUN 78	G. OFF-DUTY WEAPONS POLICY
JACKSONILLE	JUL*75	G. OFF-DUTY WEAPONS POLICY
	AUG 76	B. OFF-DUTY EMPLOYMENT POLICY
	OCT 76	T. DECOY UNIT FORMED
	SEP 77	P. HOSTAGE NEGOTIATION UNIT
	JAN 78	Q. HOSTAGE NEG. TRAINING START
	JAN 79	I. BACK-UP WEAPON REGISTRATION
	JAN 79	H. ON-DUTY BACK-UP WEAPON
KANSAS CITY	MAR 75	K. SOFT ARMOR ADOPTED
	OCT 76	A. NEW CHIEF
	AUG 77	P. HOSTAGE NEGOTIATION UNIT
	FEB 78	A. NEW CHIEF
	JUL 78	G. OFF-DUTY WEAPONS POLICY
	JAN 79	Q. HOSTAGE NEG. TRAINING START
LONG BEACH	APR 75	K. SOFT ARMOR ADOPTED
	JUN 75	A. NEW CHIEF
	JUL*76	Q. HOSTAGE NEG. TRAINING START
	JAN 77	C. INDICTMENT
	MAY 77	A. NEW CHIEF
	JUL*78	E. CRISIS INTERVENTION TRAINING
	OCT 79	H. ON-DUTY BACK-UP WEAPON
	OCT 79	A. NEW CHIEF
LOS ANGELES	JUL*75	K. SOFT ARMOR ADOPTED
	JUL 77	P. HOSTAGE NEGOTIATION UNIT
	MAR 78	A. NEW CHIEF
	APR 78	Q. HOSTAGE NEG. TRAINING START
	JUL 78	B. OFF-DUTY EMPLOYMENT POLICY
LOUISVILLE	DEC 77	A. NEW CHIEF
MEMPHIS	NOV 75	I. BACK-UP WEAPON REGISTRATION
	FEB 76	M. SWAT UNIT STARTED
	SEP 76	A. NEW CHIEF
	JAN 77	E. CRISIS INTERVENTION TRAINING
	MAR 78	K. SOFT ARMOR ADOPTED
	JUL 78	D. EMPLOYEE JOB ACTION
	OCT 78	B. OFF-DUTY EMPLOYMENT POLICY
MIAMI	JUN 75	A. NEW CHIEF
	JUL*75	B. OFF-DUTY EMPLOYMENT POLICY
	JUN 76	G. OFF-DUTY WEAPONS POLICY
	JUL*76	M. SWAT UNIT STARTED
	MAR 78	A. NEW CHIEF
	JUL*79	K. SOFT ARMOR ADOPTED
MINNEAPOLIS	JAN 76	A. NEW CHIEF
	JUL*77	P. HOSTAGE NEGOTIATION UNIT
	JAN 78	A. NEW CHIEF
	MAR 78	O. STAKE-OUT UNIT DISCONTINUED
	JUL*78	T. DECOY UNIT FORMED
	DEC 78	B. OFF-DUTY EMPLOYMENT POLICY
	JUL*79	M. SWAT UNIT STARTED
	JUL*79	G. OFF-DUTY WEAPONS POLICY
	AUG 79	A. NEW CHIEF
	DEC 79	A. NEW CHIEF
NASHVILLE	JUN 75	A. NEW CHIEF
	SEP 75	I. BACK-UP WEAPON REGISTRATION
	APR 76	M. SWAT UNIT STARTED
	JUL 77	B. OFF-DUTY EMPLOYMENT POLICY
	SEP 77	Q. HOSTAGE NEG. TRAINING START
	SEP 77	P. HOSTAGE NEGOTIATION UNIT
	FEB 78	K. SOFT ARMOR ADOPTED
	MAY 78	J. NONLETHAL WEAPONS
	JAN 79	G. OFF-DUTY WEAPONS POLICY
NEWARK	JUL 76	B. OFF-DUTY EMPLOYMENT POLICY
	JAN 78	A. NEW CHIEF
	SEP 78	S. DECOY UNIT DISCONTINUED
NEW ORLEANS	DEC 76	F. LOCAL FIREARM REGISTRATION
	JUL 78	A. NEW CHIEF
	DEC 78	P. HOSTAGE NEGOTIATION UNIT
	JUN 79	Q. HOSTAGE NEG. TRAINING START
	NOV 79	J. NONLETHAL WEAPONS
	NOV 79	I. BACK-UP WEAPON REGISTRATION
	NOV 79	G. OFF-DUTY WEAPONS POLICY
	NOV 79	B. OFF-DUTY EMPLOYMENT POLICY
NEW YORK	JUN 75	C. INDICTMENT
	JUL 75	K. SOFT ARMOR ADOPTED
	NOV 75	C. INDICTMENT

Table 3 (Continued)

CITY	DATE	INTERVENTION
	DEC 75	C. INDICTMENT
	FEB 76	E. CRISIS INTERVENTION TRAINING
	MAR 76	C. INDICTMENT
	APR 76	C. INDICTMENT
	JUN 76	C. INDICTMENT
	AUG 76	C. INDICTMENT
	NOV 76	C. INDICTMENT
	JAN 77	C. INDICTMENT
	NOV 77	C. INDICTMENT
	JAN 78	A. NEW CHIEF
	FEB 78	C. INDICTMENT
	MAR 78	C. INDICTMENT
	MAY 78	C. INDICTMENT
	OCT 78	C. INDICTMENT
	NOV 78	C. INDICTMENT
	JAN 79	D. EMPLOYEE JOB ACTION
	APR 79	J. NONLETHAL WEAPONS
NORFOLK	JUL*75	E. CRISIS INTERVENTION TRAINING
	OCT 76	A. NEW CHIEF
	FEB 77	H. ON-DUTY BACK-UP WEAPON
	JUN 77	M. SWAT UNIT STARTED
	APR 78	K. SOFT ARMOR ADOPTED
OAKLAND	JUL*76	P. HOSTAGE NEGOTIATION UNIT
	MAY 77	L. SWAT UNIT DISCONTINUED
OKLAHOMA CITY	JUN 75	A. NEW CHIEF
	OCT 75	D. EMPLOYEE JOB ACTION
	JAN 76	P. HOSTAGE NEGOTIATION UNIT
	APR 77	K. SOFT ARMOR ADOPTED
	APR 77	A. NEW CHIEF
	JUL 78	H. ON-DUTY BACK-UP WEAPON
	JUL 78	G. OFF-DUTY WEAPONS POLICY
	AUG 78	E. CRISIS INTERVENTION TRAINING
	DEC 78	B. OFF-DUTY EMPLOYMENT POLICY
	NOV 79	Q. HOSTAGE NEG. TRAINING START
OMAHA	JUL 75	P. HOSTAGE NEGOTIATION UNIT
	NOV 75	M. SWAT UNIT STARTED
	SEP 76	K. SOFT ARMOR ADOPTED
	JUL 78	B. OFF-DUTY EMPLOYMENT POLICY
	MAY 79	J. NONLETHAL WEAPONS
	JUN 79	G. OFF-DUTY WEAPONS POLICY
PHILADELPHIA	FEB 77	B. OFF-DUTY EMPLOYMENT POLICY
PHOENIX	JUL 76	E. CRISIS INTERVENTION TRAINING
	APR 77	I. BACK-UP WEAPON REGISTRATION
	JUL 77	K. SOFT ARMOR ADOPTED
	JAN 78	M. SWAT UNIT STARTED
	JAN 78	Q. HOSTAGE NEG. TRAINING START
	JAN 78	P. HOSTAGE NEGOTIATION UNIT
PORTLAND	MAR 76	B. OFF-DUTY EMPLOYMENT POLICY
	JUL*76	R. HOSTAGE NEG. TRAINING ENDED

CITY	DATE	INTERVENTION
	JUL*76	Q. HOSTAGE NEG. TRAINING START
	JUL*77	P. HOSTAGE NEGOTIATION UNIT
	JUL 77	G. OFF-DUTY WEAPONS POLICY
	JUL*77	K. SOFT ARMOR ADOPTED
	JUL 77	I. BACK-UP WEAPON REGISTRATION
	JUL 77	H. ON-DUTY BACK-UP WEAPON
	JUL 79	O. STAKE-OUT UNIT DISCONTINUED
ROCHESTER	MAY 75	E. CRISIS INTERVENTION TRAINING
	APR 77	I. BACK-UP WEAPON REGISTRATION
	APR 77	G. OFF-DUTY WEAPONS POLICY
	JUN 77	T. DECOY UNIT FORMED
	JAN 78	Q. HOSTAGE NEG. TRAINING START
SACRAMENTO	FEB 75	M. SWAT UNIT STARTED
	SEP 75	E. CRISIS INTERVENTION TRAINING
	JUN 76	K. SOFT ARMOR ADOPTED
	MAR 77	P. HOSTAGE NEGOTIATION UNIT
	MAR 77	Q. HOSTAGE NEG. TRAINING START
	MAY 77	A. NEW CHIEF
	JUL 77	T. DECOY UNIT FORMED
	AUG 78	B. OFF-DUTY EMPLOYMENT POLICY
	SEP 79	H. ON-DUTY BACK-UP WEAPON
	SEP 79	I. BACK-UP WEAPON REGISTRATION
ST. LOUIS	APR 75	K. SOFT ARMOR ADOPTED
	JUL 78	E. CRISIS INTERVENTION TRAINING
	AUG 79	P. HOSTAGE NEGOTIATION UNIT
	AUG 79	M. SWAT UNIT STARTED
ST. PAUL	JUL 75	E. CRISIS INTERVENTION TRAINING
	AUG 75	B. OFF-DUTY EMPLOYMENT POLICY
	OCT 78	Q. HOSTAGE NEG. TRAINING START
	OCT 78	P. HOSTAGE NEGOTIATION UNIT
SAN ANTONIO	JUN 75	M. SWAT UNIT STARTED
	JUL*75	K. SOFT ARMOR ADOPTED
	JUL*75	E. CRISIS INTERVENTION TRAINING
	JUN 78	P. HOSTAGE NEGOTIATION UNIT
	JUN 78	R. HOSTAGE NEG. TRAINING ENDED
	JUN 78	Q. HOSTAGE NEG. TRAINING START
	OCT 79	C. INDICTMENT
SAN DIEGO	FEB 76	A. NEW CHIEF
	MAY 77	K. SOFT ARMOR ADOPTED
	SEP 77	Q. HOSTAGE NEG. TRAINING START
	SEP 77	P. HOSTAGE NEGOTIATION UNIT
	JAN 78	G. OFF-DUTY WEAPONS POLICY
	NOV 78	B. OFF-DUTY EMPLOYMENT POLICY
	SEP 79	H. ON-DUTY BACK-UP WEAPON
	SEP 79	I. BACK-UP WEAPON REGISTRATION
	SEP 79	D. EMPLOYEE JOB ACTION
SAN FRANCISCO	JUL*75	K. SOFT ARMOR ADOPTED
	SEP 75	D. EMPLOYEE JOB ACTION
	JAN 76	A. NEW CHIEF

Table 3 (Continued)

CITY	DATE	INTERVENTION
	JUL*76	P. HOSTAGE NEGOTIATION UNIT
	APR 77	T. DECOY UNIT FORMED
	DEC 79	A. NEW CHIEF
SAN JOSE	JUL*76	R. HOSTAGE NEG. TRAINING ENDED
	JUL*76	Q. HOSTAGE NEG. TRAINING START
	SEP 76	B. OFF-DUTY EMPLOYMENT POLICY
	OCT 76	A. NEW CHIEF
	DEC 76	P. HOSTAGE NEGOTIATION UNIT
	JUL 78	K. SOFT ARMOR ADOPTED
	DEC 78	I. BACK-UP WEAPON REGISTRATION
	DEC 78	G. OFF-DUTY WEAPONS POLICY
	JUN 79	T. DECOY UNIT FORMED
	AUG 79	D. EMPLOYEE JOB ACTION
SEATTLE	JUL*76	M. SWAT UNIT STARTED
	JUL*76	K. SOFT ARMOR ADOPTED
	JUL*77	P. HOSTAGE NEGOTIATION UNIT
	JAN 78	I. BACK-UP WEAPON REGISTRATION
	APR 78	A. NEW CHIEF
	FEB 79	A. NEW CHIEF
TAMPA	DEC 75	K. SOFT ARMOR ADOPTED
	JAN 76	E. CRISIS INTERVENTION TRAINING
	JUN 77	M. SWAT UNIT STARTED
	JAN 79	Q. HOSTAGE NEG. TRAINING START
	JAN 79	B. OFF-DUTY EMPLOYMENT POLICY
	FEB 79	C. INDICTMENT
	MAR 79	A. NEW CHIEF
	SEP 79	P. HOSTAGE NEGOTIATION UNIT
TOLEDO	JUL*75	K. SOFT ARMOR ADOPTED
	AUG 76	B. OFF-DUTY EMPLOYMENT POLICY
	MAR 77	E. CRISIS INTERVENTION TRAINING
	JUL*77	R. HOSTAGE NEG. TRAINING ENDED
	JUL*77	Q. HOSTAGE NEG. TRAINING START
	JUL*77	P. HOSTAGE NEGOTIATION UNIT
	SEP 77	F. LOCAL FIREARM REGISTRATION
	NOV 77	M. SWAT UNIT STARTED
	JUL 78	A. NEW CHIEF
	JUL 79	D. EMPLOYEE JOB ACTION
TUCSON	SEP 75	D. EMPLOYEE JOB ACTION
	MAR 77	P. HOSTAGE NEGOTIATION UNIT
TULSA	FEB 76	K. SOFT ARMOR ADOPTED
	FEB 78	A. NEW CHIEF
	AUG 78	H. ON-DUTY BACK-UP WEAPON
	AUG 78	I. BACK-UP WEAPON REGISTRATION
	OCT 78	P. HOSTAGE NEGOTIATION UNIT
	OCT 78	M. SWAT UNIT STARTED
	OCT 78	Q. HOSTAGE NEG. TRAINING START
	DEC 78	R. HOSTAGE NEG. TRAINING ENDED
	JUN 79	E. CRISIS INTERVENTION TRAINING
WASHINGTON, D.C.	JUL 76	F. LOCAL FIREARM REGISTRATION
	JAN 78	K. SOFT ARMOR ADOPTED
	JAN 78	A. NEW CHIEF
	DEC 78	B. OFF-DUTY EMPLOYMENT POLICY
	MAR 79	E. CRISIS INTERVENTION TRAINING
WICHITA	JUL*75	O. STAKE-OUT UNIT DISCONTINUED
	SEP 76	A. NEW CHIEF
	NOV 76	K. SOFT ARMOR ADOPTED
	SEP 78	D. EMPLOYEE JOB ACTION
	OCT 78	I. BACK-UP WEAPON REGISTRATION
	OCT 78	H. ON-DUTY BACK-UP WEAPON

ARIMA process. It is assumed in the following discussion that the set of observations, z_t, have already been differenced to achieve stationarity. As indicated earlier, it is also assumed that the time series is highly dependent. Further, the series is assumed to be generated by a series of shocks $a_t, a_{t-1}, a_{t-2}, \ldots$ and that these shocks assume a Normal distribution with mean zero and variance σ^2. The $a_t, a_{t-1}, a_{t-2}, \ldots$ are also referred to as the "white noise" process. As seen by this description, the assumptions are very general with no model restrictions such as those found in regression analysis.

An autoregressive model of order p is given by:

$$z_t = \phi_1 z_{t-1} + \phi_2 z_{t-2} + \ldots + \phi_p z_{t-p} + a_t$$

in which the current value of the process, z_t, is the sum of p previous values each weighted by the parameter ϕ_i, i=1, 2,..., p. This model is usually denoted AR(p). Identification of a time series as an AR(p) process involves the estimation of the parameters, ϕ_i.

A moving average process of order q is given by:

$$z_t = a_t - \theta_1 a_{t-1} - \theta_2 a_{t-2} - \cdots - \theta_q a_{t-q}$$

This model is usually denoted MA(q) and requires the estimation of the moving average parameters θ_q.

In its most compact form, the general class of ARIMA models is referenced as ARIMA (p, d, q) and is represented by the equation:

$$\phi_p(B)\nabla^d(z_t-L) = \theta_q(B)a_t$$

for which the following definitions hold:

d = the degree of differencing applied to obtain a stationary series;
p = the order of the autogressive parameters;
q = the order of the moving average parameters;
∇ = the difference operator;

L = the true location of the series at $t = 0$;

B = the backward operator defined by $Bz_t = z_{t-1}$.

With these definitions, we have $\nabla^d = (1-B)^d$ and

$$\phi_p(B) = 1 - \phi_1 B - \phi_2 B^2 - \ldots - \phi_p B^p$$

$$\theta_q(B) = 1 - \theta_1 B - \theta_2 B^2 - \ldots - \theta_q B^q \quad .$$

In practice, the most common forms of the ARIMA models are those in which p, d, and q do not exceed 2. In these cases, the resulting model is a simplified version of the above description. For example, the six time series under discussion were modeled as ARIMA (0, 1, 1) or ARIMA (0, 1, 2) models. The ARIMA (0, 1, 1) model has the form:

$$z_t - z_{t-1} = a_t - \theta_1 a_{t-1}$$

Suppose now that an intervention occurs at time $t = n_1$ so that the time series is split into two groups of observations. The first group is the "before" period with n_1 observations and the second group is a "after" period with n_2 observations. It is assumed that the intervention produces an immediate and constant effect represented by the variable δ beginning at time $t=n_1+1$ and continuing for the remainder of the series. The ARIMA (0, 1, 1) model can then be written in random shock form to reflect the intervention:

$$z_1 = L + a_1$$

$$z_t = L + (1-\theta_1)(a_2+a_3+\ldots+a_{t-1}) + a_t$$

for $t=2, 3,\ldots,n_1$ and

$$z_t = L + \delta+(1-\theta_1)(a_2+a_3+\ldots a_{t-1}) + a_t$$

for $t=n_1+1,\ n_1+2,\ldots,\ n_1+n_2$.

It is assumed that the parameter θ_1 is known to a reasonable degree. The only unknown parameters are the L, the true level of the process at t=1 and δ, the shift associated with the intervention effect. Statistical tests can then be made to determine whether L and δ are significant, that is, different from zero. If δ is found to be significant, it indicates an abrupt and constant shift in the time series after the intervention occurred.

This procedure can be expanded to include more than one intervention by introducing additional δ variables into the equations. Each δ can then be tested after the process has been modeled.

The six time series having significant lag 1 autocorrelations were modeled using the above process. The models and parameter values which resulted were as follows:

City	ARIMA Model	θ_1	θ_2
Boston	(0,0,1)	-.14	----
Chicago	(0,0,1)	.59	----
Nashville	(0,1,1)	.64	----
Oklahoma City	(0,1,1)	.38	----
San Antonio	(0,1,2)	.70	.20
Wichita	(0,1,2)	1.10	-.20

Table 4 gives the results of the models for these six cities listing the interventions, dates, δ estimates, t-value, and significance. Interventions had to be combined in many instances because they happened so close together. For example, in Boston, there was an indictment in November, 1975 and an off-duty employment policy implementation in December, 1975. These two interventions were combined and considered as having an effect beginning in January, 1976. The model shows, in fact, that the δ value is significant for these interventions. Further, the model reflects a decrease in incidents since the δ value is negative. In other words, the ARIMA model reflects a change in the series in January, 1976 after these interventions which is a significant decrease in the volume of incidents involving firearm discharges.

Table 4

ARIMA Model Results

City	Date	δ	t-value	Sig.
Boston				
1. Indictment	Nov. '75	-2.28	-2.71	Yes
Off-Duty Employment Policy	Dec. '75			
2. Crisis Intervention Training	Oct. '76	- .08	- .12	No
New Chief of Police	Nov. '76			
Hostage Negotiation Unit	Dec. '76			
Hostage Negotiation Training	Dec. '76			
Chicago				
1. New Chief of Police	Dec. '76	.78	.19	No
2. New Chief of Police	Dec. '77	-8.46	-2.16	Yes
New Chief of Police	Apr. '78			
3. New Chief of Police	June '79	.01	.00	No
Nashville				
1. New Chief of Police	June '75	-1.18	- .57	No
Backup Weapon Registration	Sep. '75			
2. SWAT Unit Started	Apr. '76	3.03	1.46	No
3. Off-Duty Employment Policy	July '77	1.39	.67	No
Hostage Negotiation Training	Sep. '77			
Soft Armor Adopted	Feb. '78			
Nonlethal Weapons	Mar. '78			
4. Off-Duty Weapons Policy	Jan. '79	-4.93	-2.38	Yes
Oklahoma City				
1. New Chief of Police	June '75	- .18	- .09	No
2. Employee Job Action	Oct. '75	4.08	2.07	Yes
Hostage Negotiation Unit	Jan. '76			
3. Soft Armor Adopted	Apr. '77	- .02	- .01	No
New Chief of Police	May. '77			
4. Onduty Backup Weapons Policy	July '78	2.11	1.35	No
Off-Duty Weapons Policy	July '78			
Crisis Intervention Training	Aug. '78			
Off-Duty Employment Policy	Dec. '78			
San Antonio				
1. SWAT Unit Formed	June '75	.06	.08	No
Soft Armor Adopted	July '75			
Crisis Intervention Training	July '75			
2. Hostage Negotiation Unit	July '78	.07	- .09	No
Hostage Negotiation Training	July '78			
Wichita				
1. Stake-Out Unit Discontinued	Sep. '78	.60	1.17	No
Backup Weapons Policy	Oct. '78			
Onduty Backup Weapons Policy	Oct. '78			

The graph of Chicago shows a continual decrease in incidents over the four years for which data were provided. According to the model results, the primary decrease is associated with the change in Chiefs of Police in April, 1977. The decrease began before this date but accelerated after April, 1977. In Nashville, there was an increase in incidents after the introduction of the SWAT Unit in April, 1976. This increase is significant at the ten percent level but not at the five percent level. The model also indicates a significant decrease in incidents beginning after January, 1979 when a new off-duty weapons policy was introduced. In Oklahoma City, there was an increase in incidents after January, 1976 which is associated with an employee job action and the introduction of a Hostage Negotiation Unit. The interventions in the last half of 1978 were found to be associated with an increase in incidents by the model although the t-value is significant at the 10 percent but not the five percent level. Finally, the interventions in San Antonio and Wichita were not found to have been associated with any changes in the level of incidents.

Study 2 -- Regression Analysis of Shots Fired Data

Rather than examining each city individually, a procedure was developed which incorporates all the data into a single analysis. The approach is based on a multivariate regression analysis with the same aim as before of determining whether the interventions had an effect, either positive or negative, on the volume of incidents in which shots were fired. The approach has the potential advantage of identifying trends present across all the cities which may have been lost in an analysis of individual time series. It also has the advantage of including a variable for the number of officers at the department in the analysis. The importance of this variable, as clearly seen in the time series graphs, is that cities with more officers generally have more incidents with shots fired. Of course, these cities also have greater population and greater crime volumes. These three variables--population, crime, and officers--are highly interrelated and are essentially surrogates for each other in terms of explanatory power on the volume of incidents. The number of officers was selected as the variable for the analysis because of their obvious involvment in the incidents. For the analysis, a coding scheme was developed to indicate whether the department had any of the interventions, such as a Hostage Negotiation Unit, in effect during a particular time period. With this coding scheme, the regression analysis produces a model indicating which interventions are significantly related to the volume of incidents.

As an initial step, the data on incidents with shots fired were grouped by quarter in order to eliminate some of the variability which existed in the monthly figures. The dependent variable for the regression analysis was, therefore, the number of incidents with shots fired by quarter. Independent variables were defined to represent the interventions present during a quarter as well as the number of officers at the particular police department for the quarter. The specific independent variables and their definitions are as follows:

$\mathrm{OFFICERS}_i$ = The number of officers (in hundreds) at the department during Quarter i;

$$\mathrm{OFFDUTY}_i = \begin{cases} 1 & \text{if the department had an existing off-duty employment policy during Quarter } i; \\ 0 & \text{Otherwise.} \end{cases}$$

$$\mathrm{JOBACT}_i = \begin{cases} 1 & \text{if the department had an employee job action during Quarter } i; \\ 0 & \text{Otherwise.} \end{cases}$$

$$\text{CRISIS}_i = \begin{cases} 1 & \text{if the department offered crisis intervention training during Quarter i;} \\ 0 & \text{otherwise.} \end{cases}$$

$$\text{WEAPONS}_i = \begin{cases} 1 & \text{if the department had a policy concerning carrying weapons off duty during Quarter i;} \\ 0 & \text{otherwise.} \end{cases}$$

$$\text{ONDUTY}_i = \begin{cases} 1 & \text{if the department had a policy during Quarter i on carrying a second or "back-up" weapon while } \underline{\text{on duty}}\text{;} \\ 0 & \text{otherwise.} \end{cases}$$

$$\text{BACKUP}_i = \begin{cases} 1 & \text{if the department had a policy during Quarter i on requiring an Officer to register his off-duty or back-up weapon with the department;} \\ 0 & \text{otherwise.} \end{cases}$$

$$\text{ARMOR}_i = \begin{cases} 1 & \text{if the department permitted or required soft armor during Quarter i;} \\ 0 & \text{otherwise.} \end{cases}$$

$$\text{SWAT}_i = \begin{cases} 1 & \text{if the department had a SWAT unit in existence during Quarter i;} \\ 0 & \text{otherwise.} \end{cases}$$

$$\text{HOSTAGE}_i = \begin{cases} 1 & \text{if the department had a Hostage Negotiation Unit in existence during Quarter i;} \\ 0 & \text{otherwise.} \end{cases}$$

$$\text{HOSTRNG}_i = \begin{cases} 1 & \text{if the department offered Hostage Negotiation Training during Quarter i;} \\ 0 & \text{otherwise.} \end{cases}$$

CHIEFS_i = The cumulative number of Chiefs of Police at the department as of Quarter i. This variable measures the turnover rate of Chiefs at the departments.

INDICT_i = The cumulative number of indictments of officers for incidents with firearm discharges as of Quarter i. This variable measures the effect over time which indictments have on the number of incidents with shots fired.

Some interventions, such as the existence of Decoy Units, were not included as variables because so few departments had such interventions. A preliminary analysis of the time series indicated that the omitted interventions did not appear to have a significant effect on the volume of incidents with shots fired.

With the above definitions, a record was developed for each city and each quarter for which data were available. If the police department provided a complete five-year history from 1975-1979, then twenty quarterly records would be coded reflecting the volume of incidents for each quarter and the associated values for the independent variables. In this manner, a total of

739 records were available for the regression analysis.

The results of the regression are presented in Table 5. Shown in the table for each independent variable is the regression coefficient, the associated t-statistic, and the significance of the coefficient. The entire regression equation is as follows:

$$\begin{aligned}\text{INCIDENTS} = 3.49 &+ .41\ \text{OFFICERS} + .03\ \text{OFFDUTY} + 2.79\ \text{JOBACT}\\ &- 1.04\ \text{CRISIS} + .04\ \text{WEAPONS} - 3.09\ \text{ONDUTY}\\ &+ 1.20\ \text{BACKUP} + 3.08\ \text{ARMOR} - 1.59\ \text{SWAT}\\ &- 1.69\ \text{HOSTAGE} - .89\ \text{HOSTRNG} - .53\ \text{CHIEFS}\\ &- 1.41\ \text{INDICT}\end{aligned}$$

Of the independent variables, the most significant is the number of officers in the department. This variable is the most highly correlated having a correlation of .8557 with the volume of incidents. A regression analysis with only this variable would, therefore, result in a good fit of the data with a R-square value of 73.22 percent. The R-square value for the above regression equation is 74.94 percent meaning that the other independent variables besides OFFICERS have only a very minimal impact on explaining the variance in the volume of incidents.

As seen in Table 5, the regression procedure still identifies some of the independent variables as statistically significant. The independent variables INDICT, JOBACT, ONDUTY, and ARMOR all have t-statistics with their coefficients which are significant at the five percent level. Interestingly, the variables INDICT and ONDUTY have negative coefficients while JOBACT and ARMOR have positive coefficients. All other things being equal, the presence of indictments and on-duty weapons policies have the effect of decreasing the volume of incidents while employee job actions and soft armor have the effect of increasing the volume of incidents. Independent variables found not to be significant are CHIEFS, OFFDUTY, CRISIS, WEAPONS, BACKUP, and HOSTRNG. In other words, the presence of these variables has no significant effect on the volume of incidents. The variables of SWAT and HOSTAGE are borderline as far as significance. The HOSTAGE coefficient is significant at the ten percent level and the SWAT coefficient is almost significant at this level. Each variable has a

Table 5

Regression Results

Variable	Coefficient	t-Statistic	Probability
Intercept	3.49		
OFFICERS	+ .41	32.45	<.01
OFFDUTY	+ .03	.03	.98
JOBACT	+ 2.79	2.83	<.01
CRISIS	- 1.04	- 1.91	.23
WEAPONS	+ .04	.03	.98
ONDUTY	- 3.09	- 2.16	.03
BACKUP	+ 1.20	1.02	.31
ARMOR	+ 3.08	3.65	<.01
SWAT	- 1.59	- 1.58	.11
HOSTAGE	- 1.69	- 1.73	.08
HOSTRNG	- .89	- .75	.45
CHIEFS	- .53	- 1.29	.20
INDICT	- 1.41	- 4.56	<.01

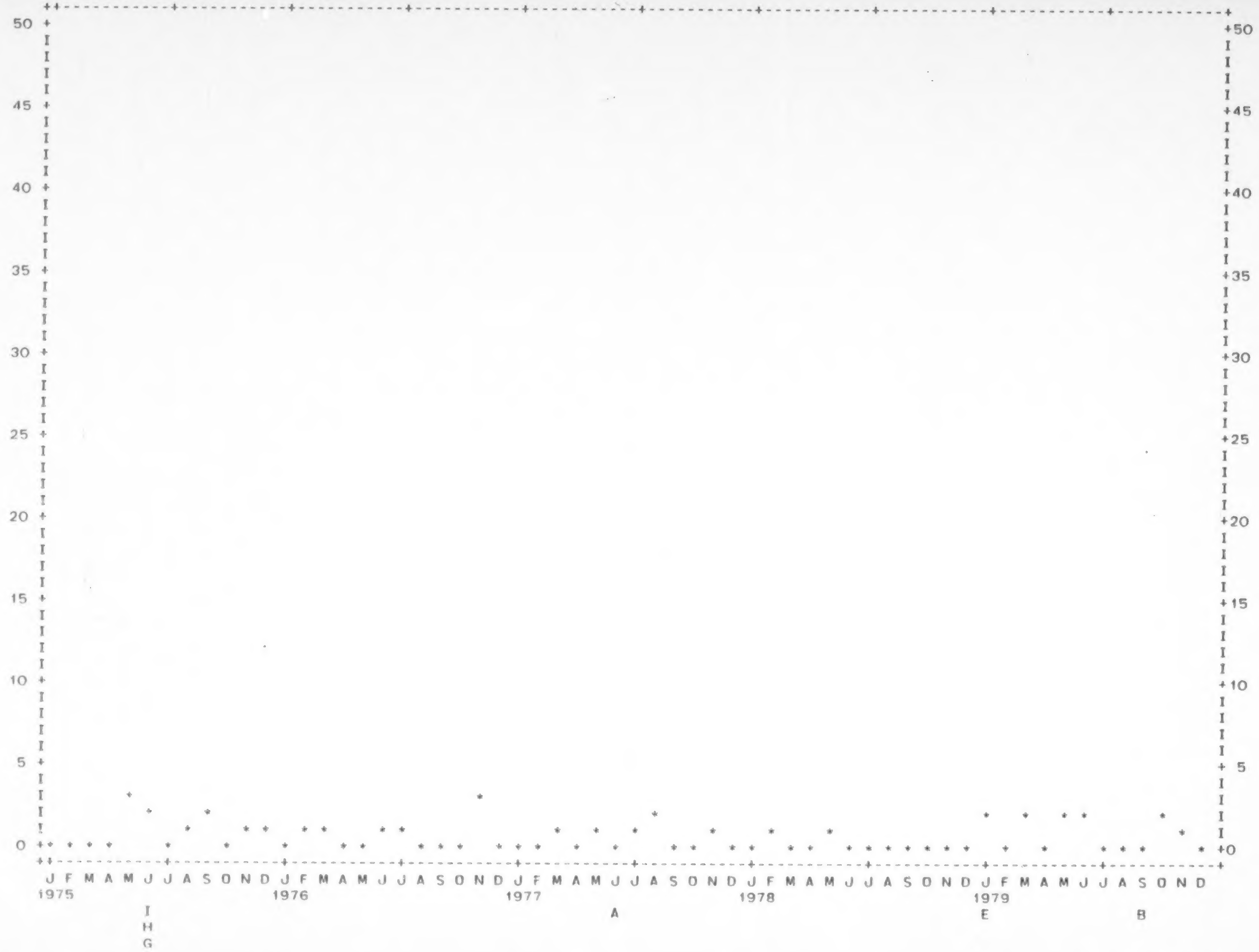
coefficient which is negative indicating that incidents will decrease in the presence of these units.

As a final note, it is of interest to return to the number of officers as related to crime and population. The correlations between officers, population, and robberies (selected because of its violent nature and potential of incidents with shots fired) is as follows using the quarterly data:

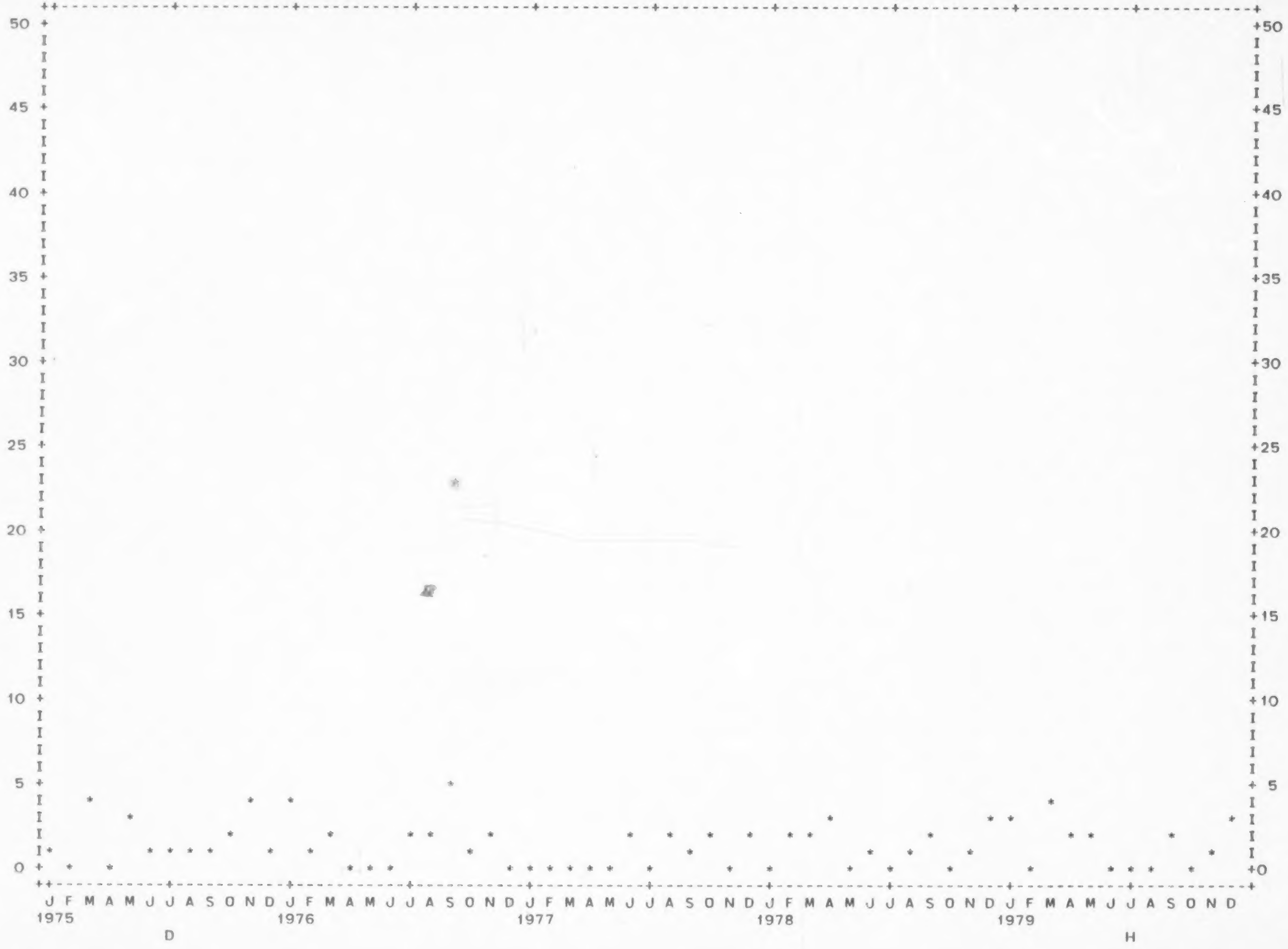
	Officers	Robberies	Population
Officers	1.00	.96	.98
Robberies		1.00	.96
Population			1.00

Including robberies and population in the regression analysis would have resulted in adverse effects due to multicolinearity. The number of officers was selected because it was most highly correlated with the dependent variable.

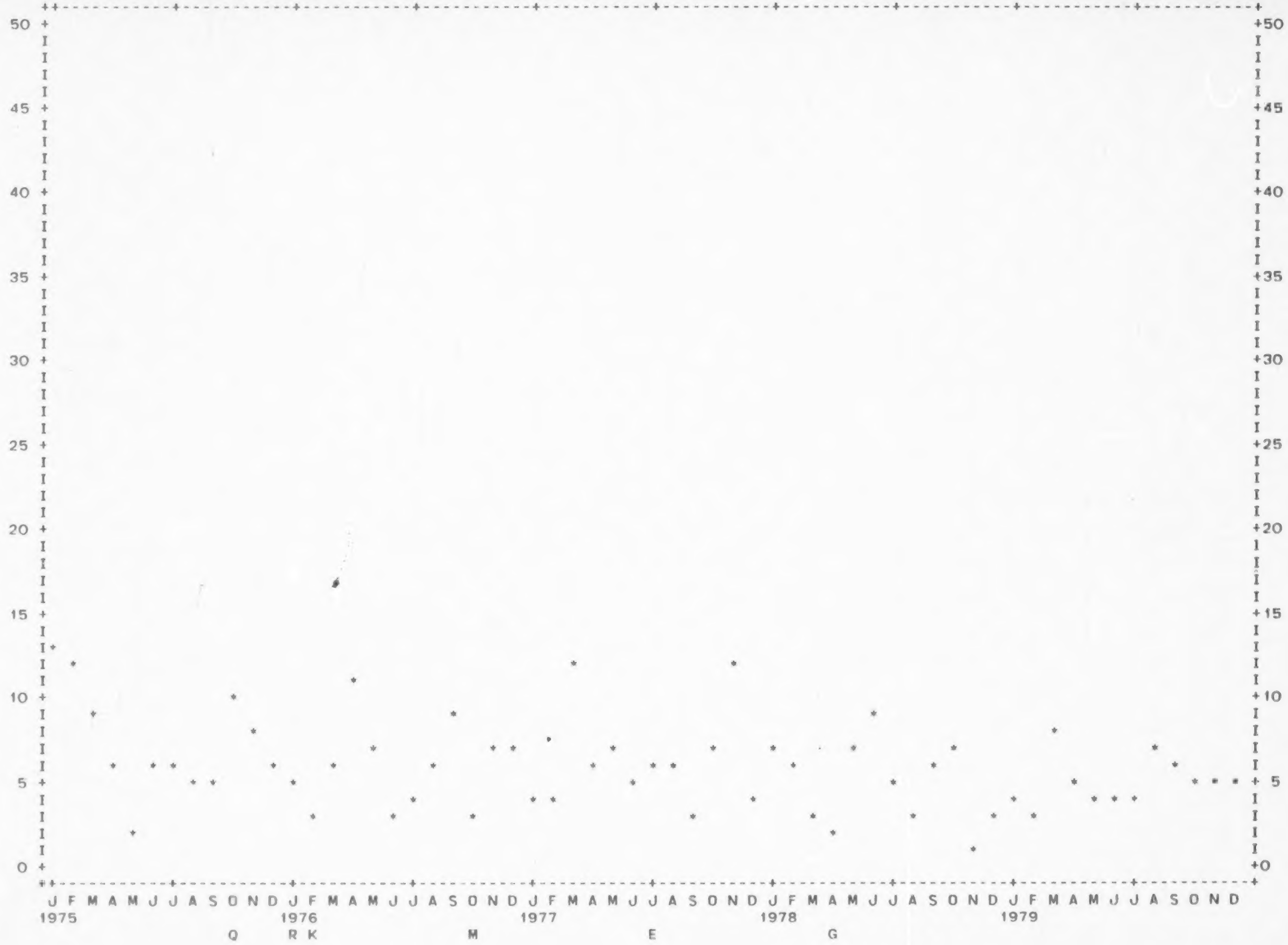
TIME SERIES PLOT FOR AKRON



TIME SERIES PLOT FOR ALBUQUERQUE



TIME SERIES PLOT FOR BALTIMORE



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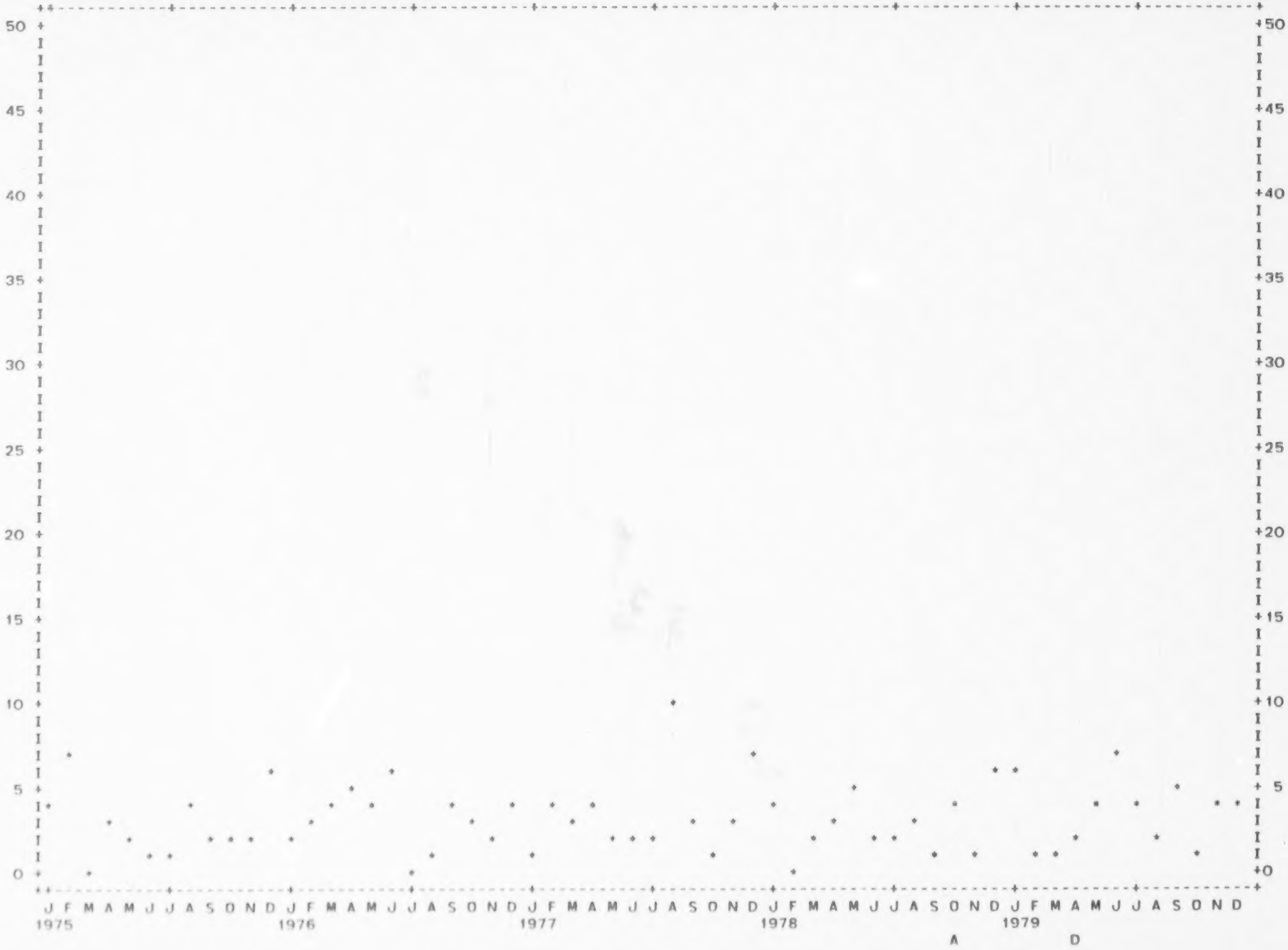
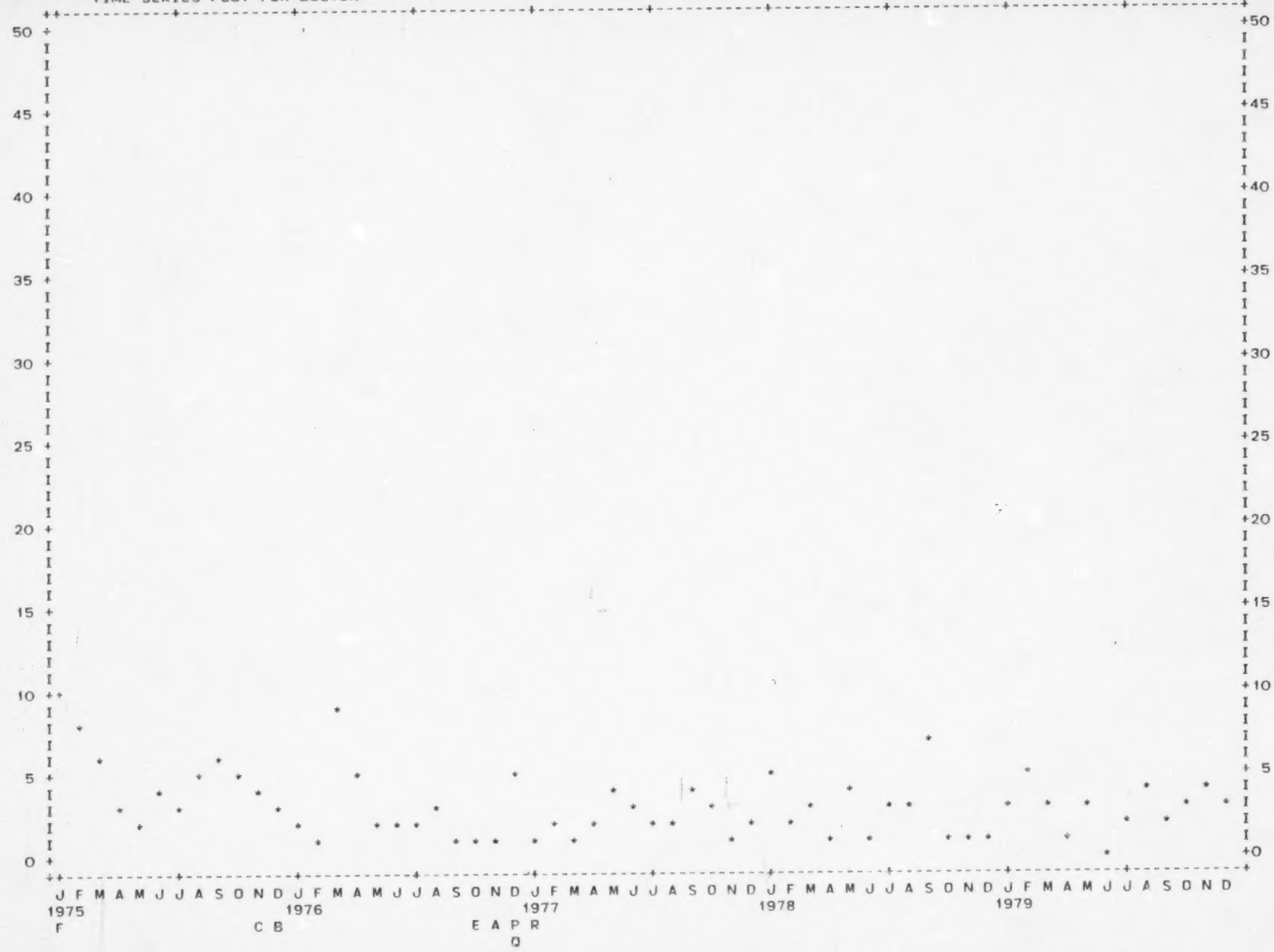
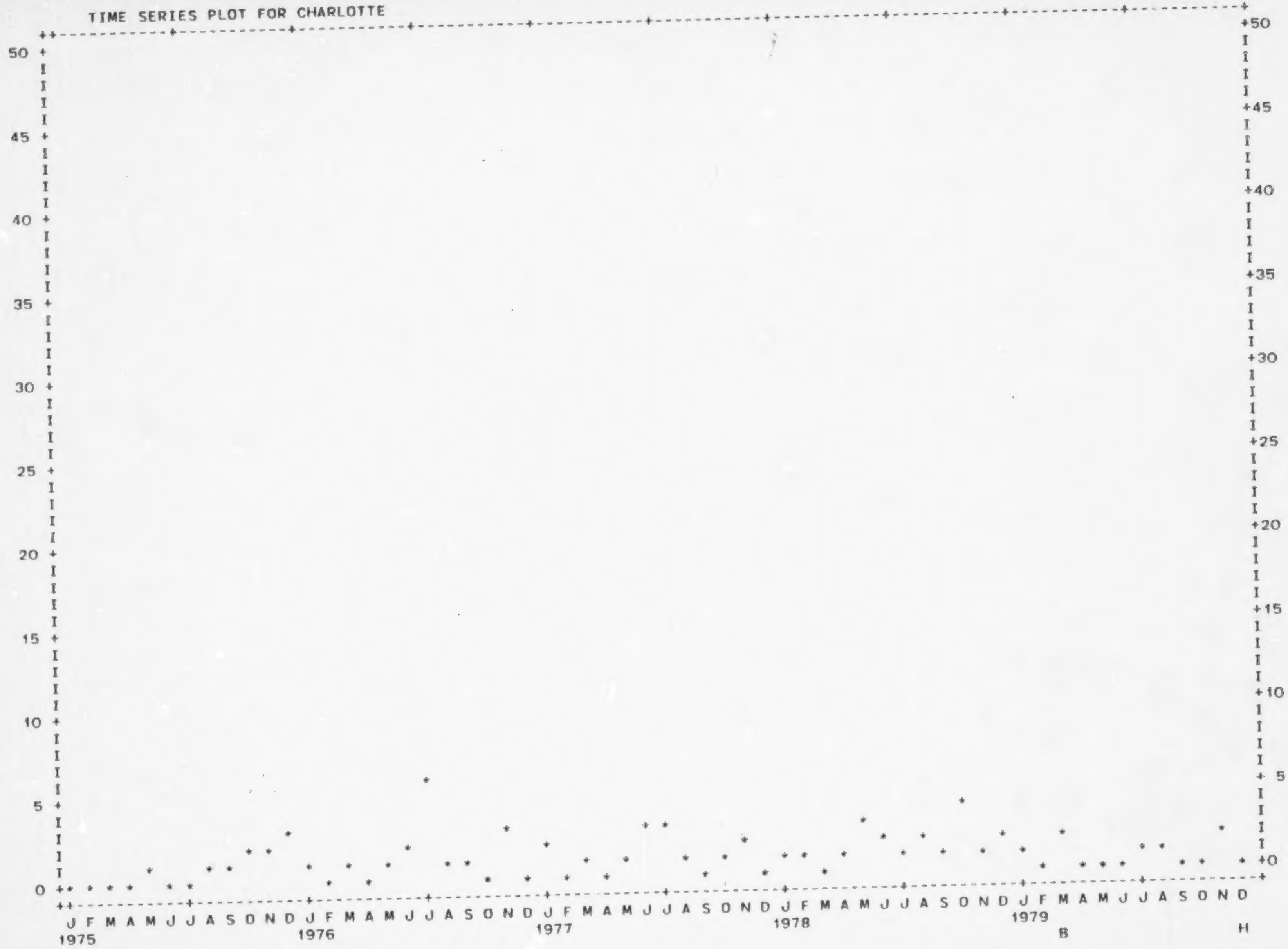




TIME SERIES PLOT FOR BOSTON

TIME SERIES PLOT FOR CHARLOTTE



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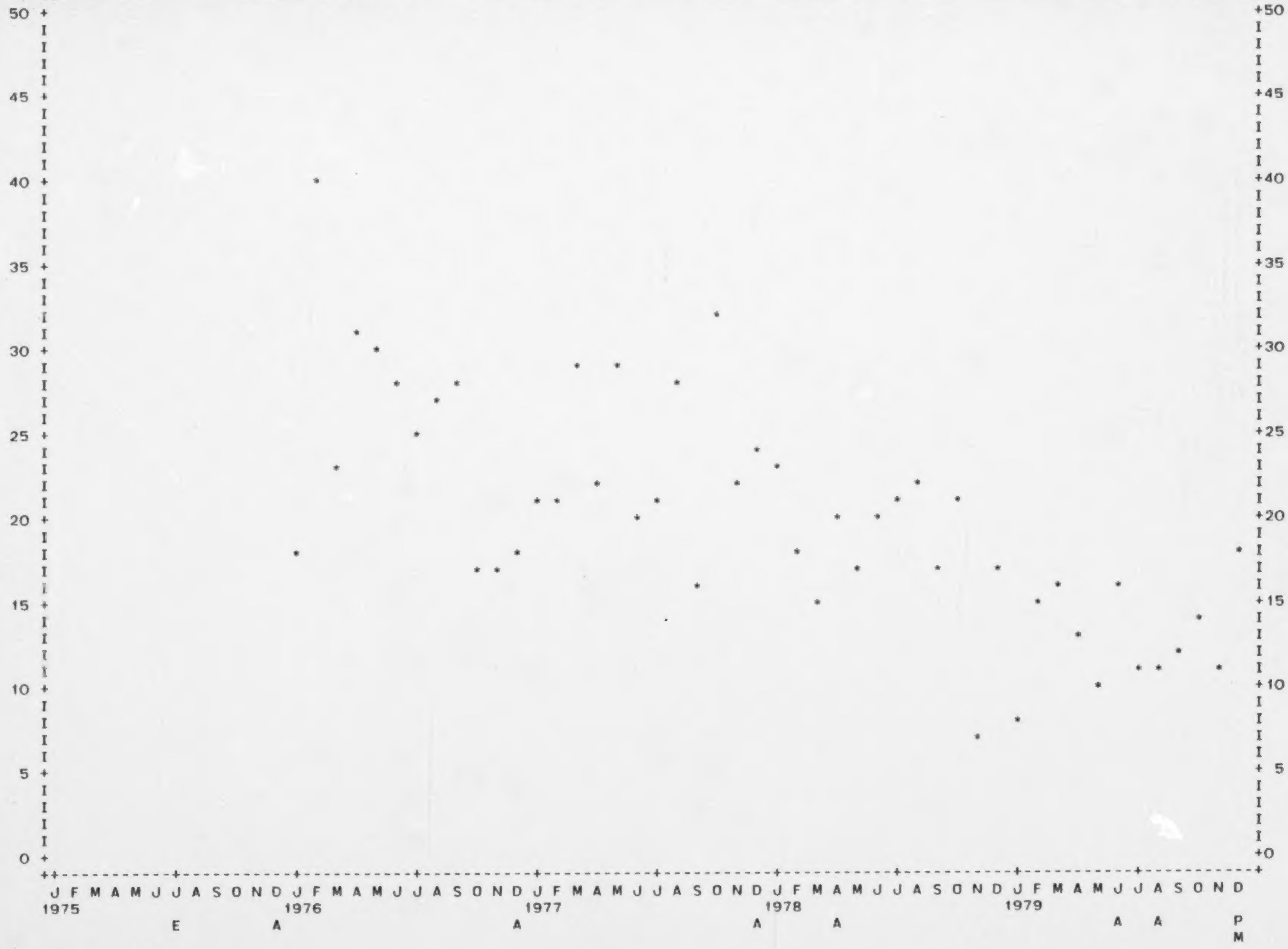
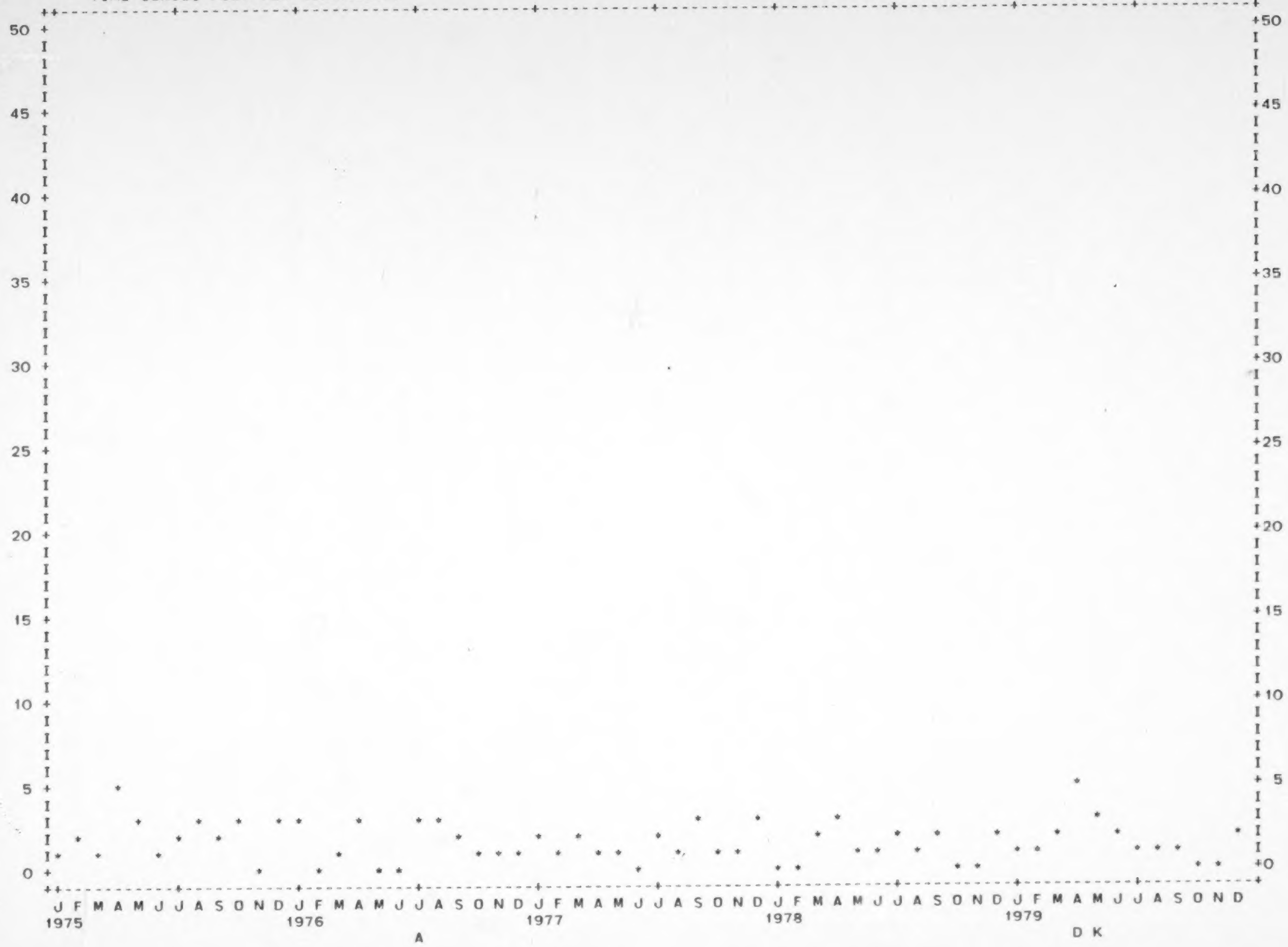


TIME SERIES PLOT FOR CINCINNATI



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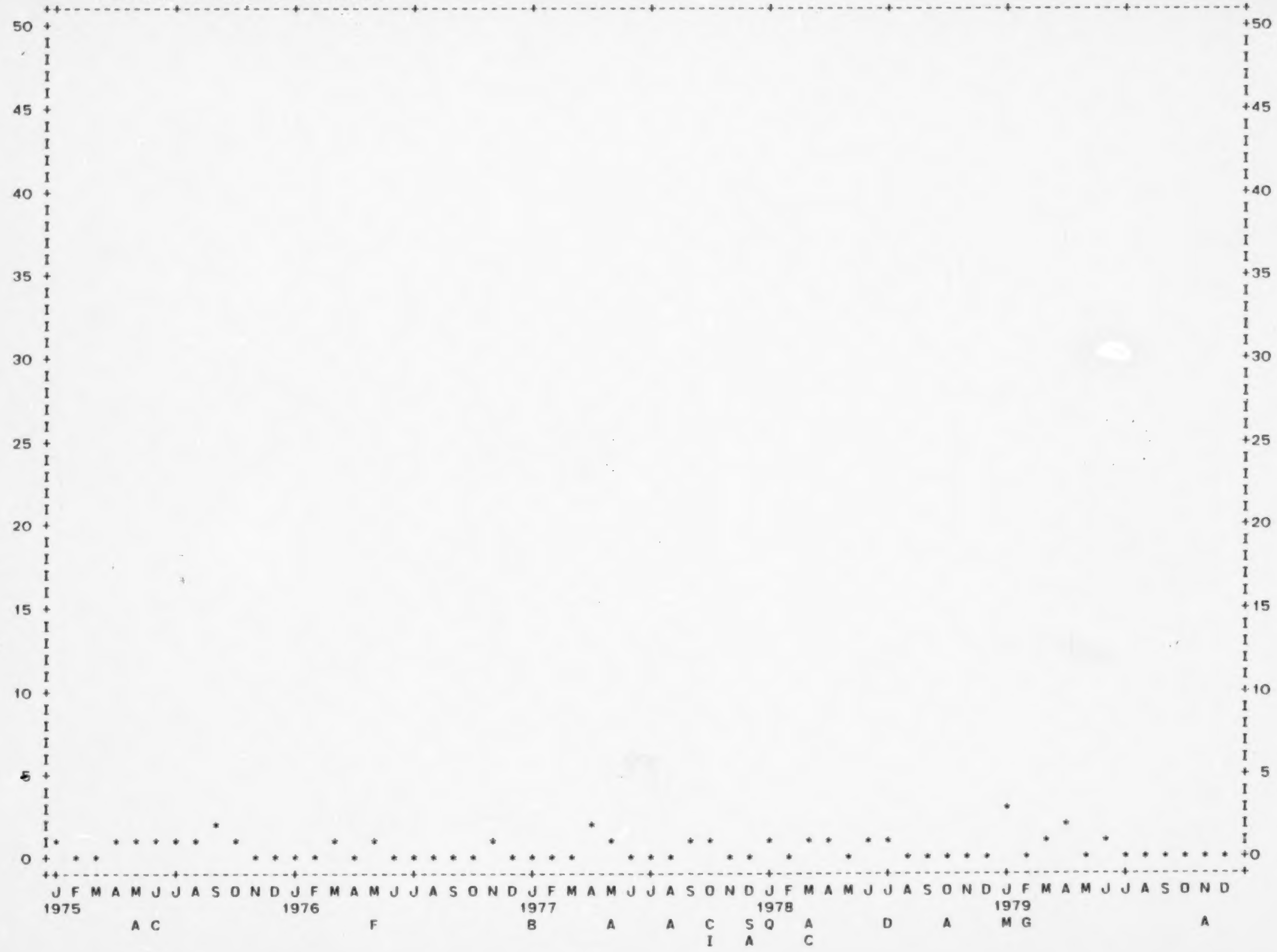

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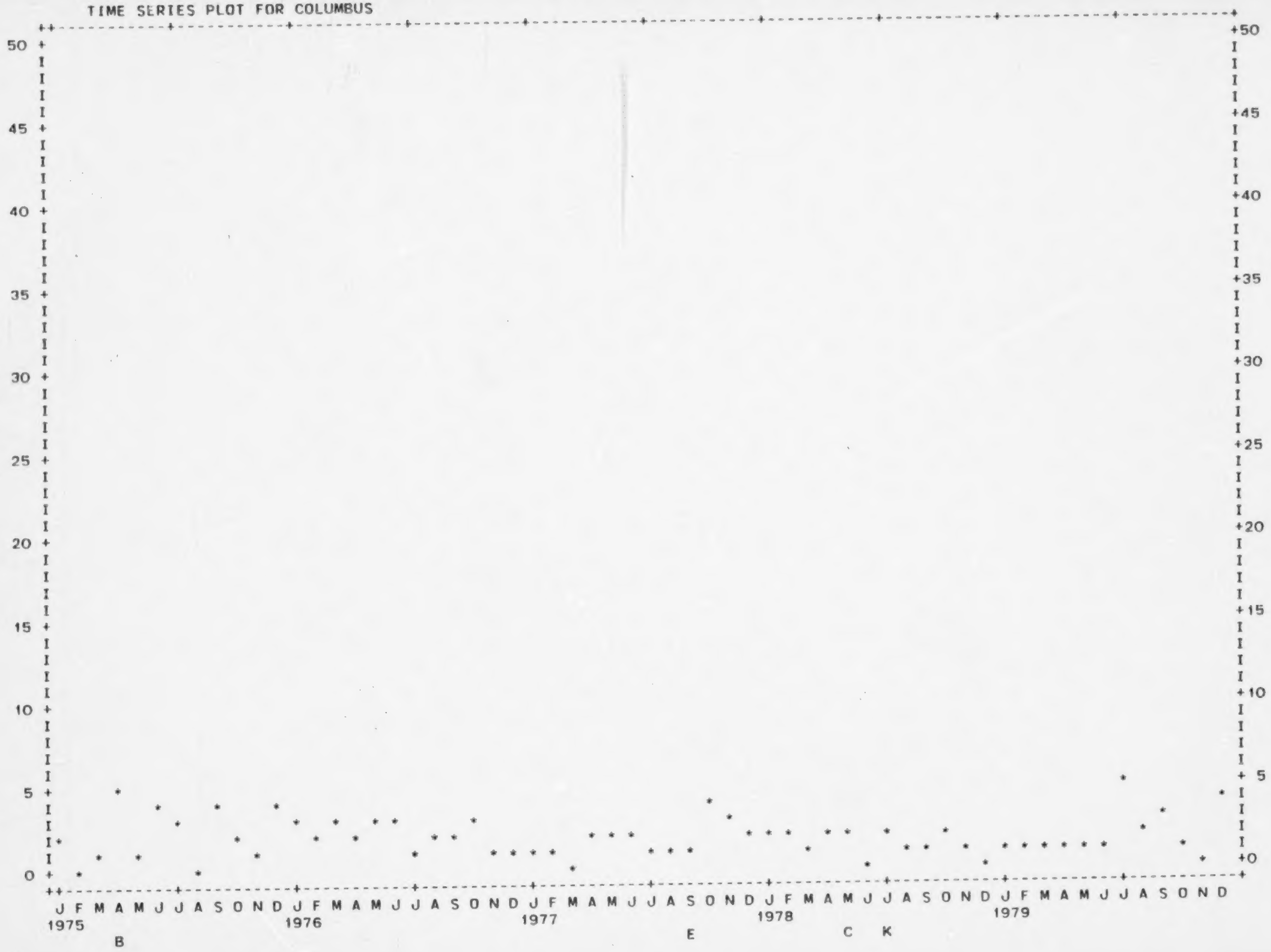

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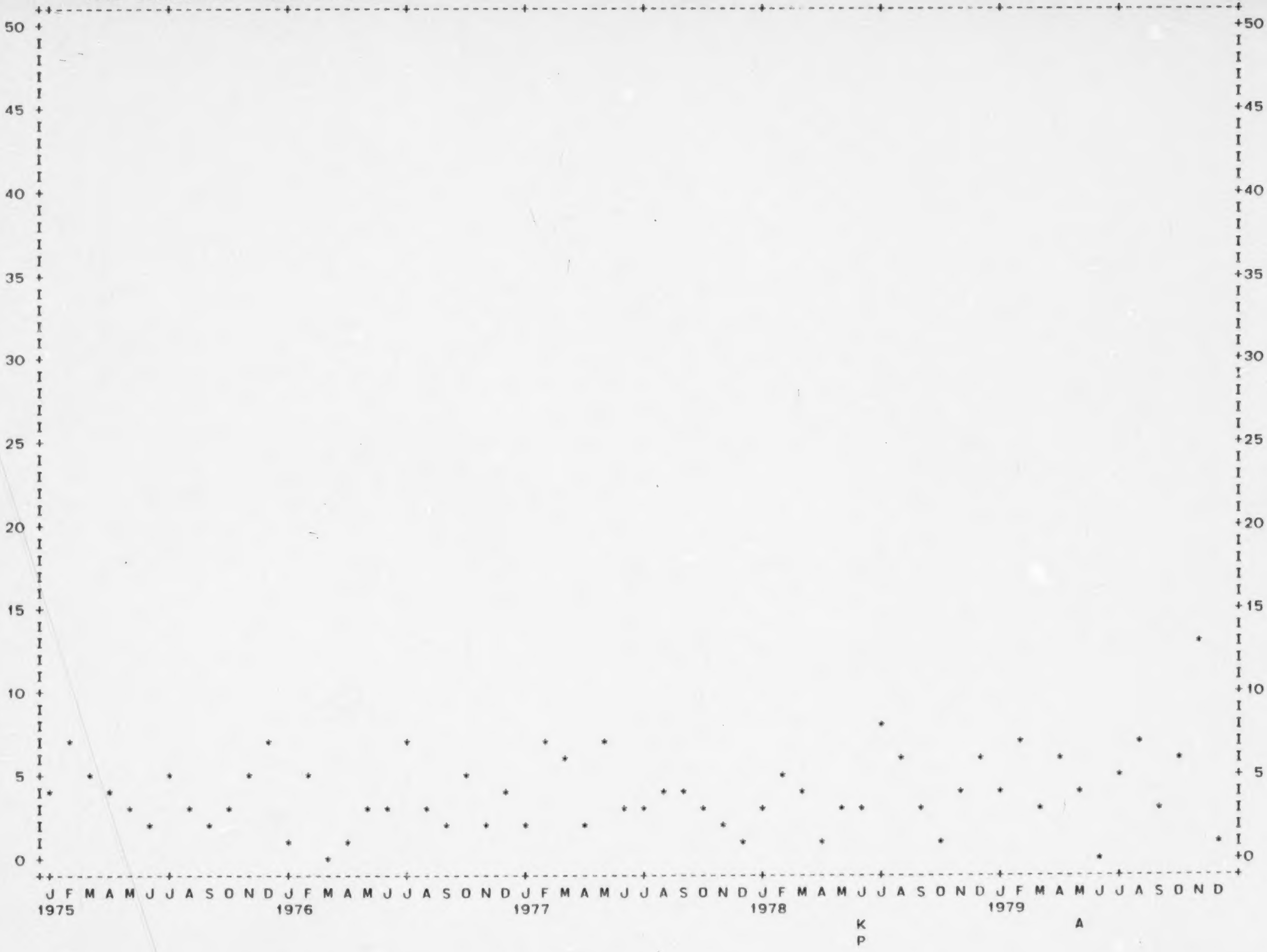
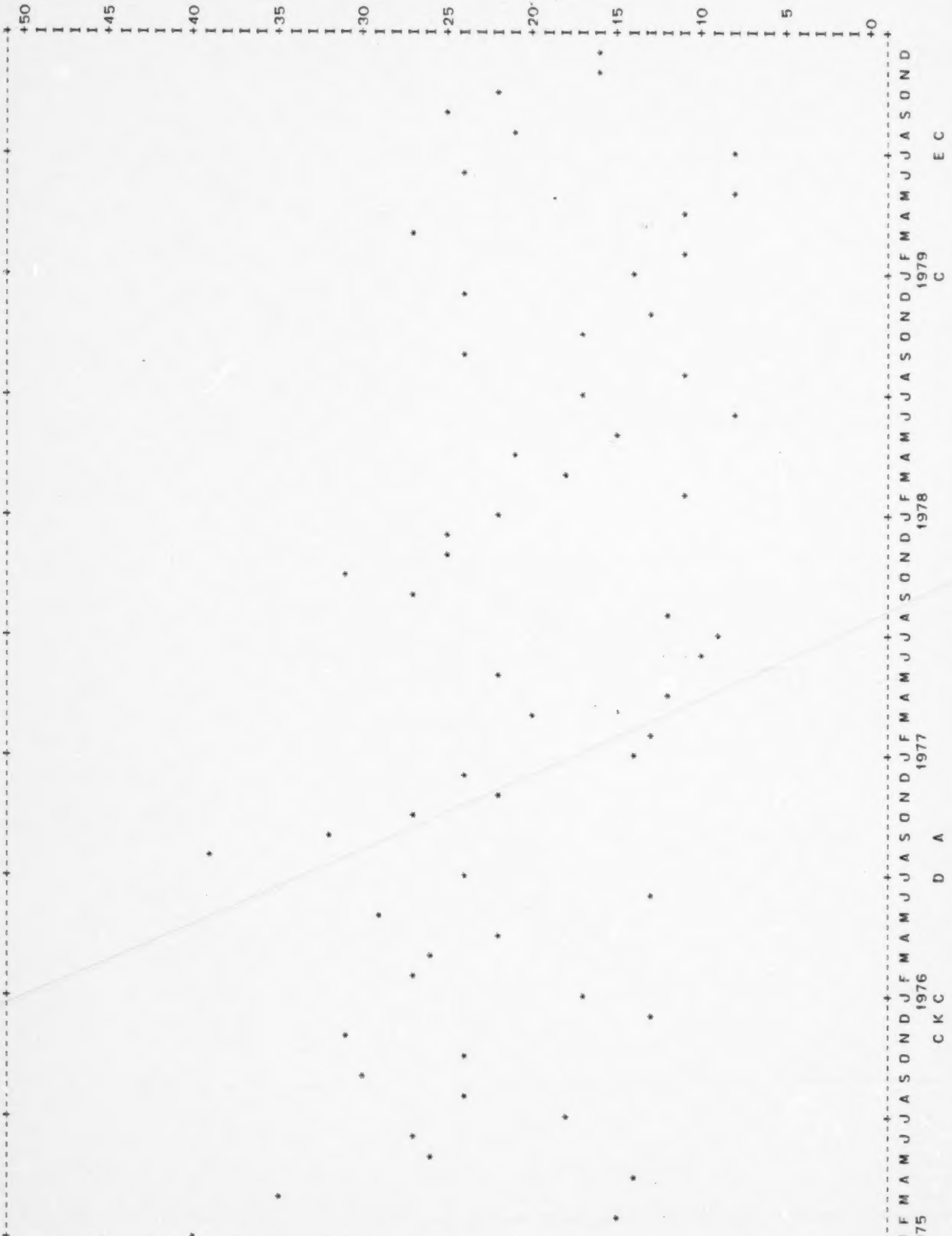
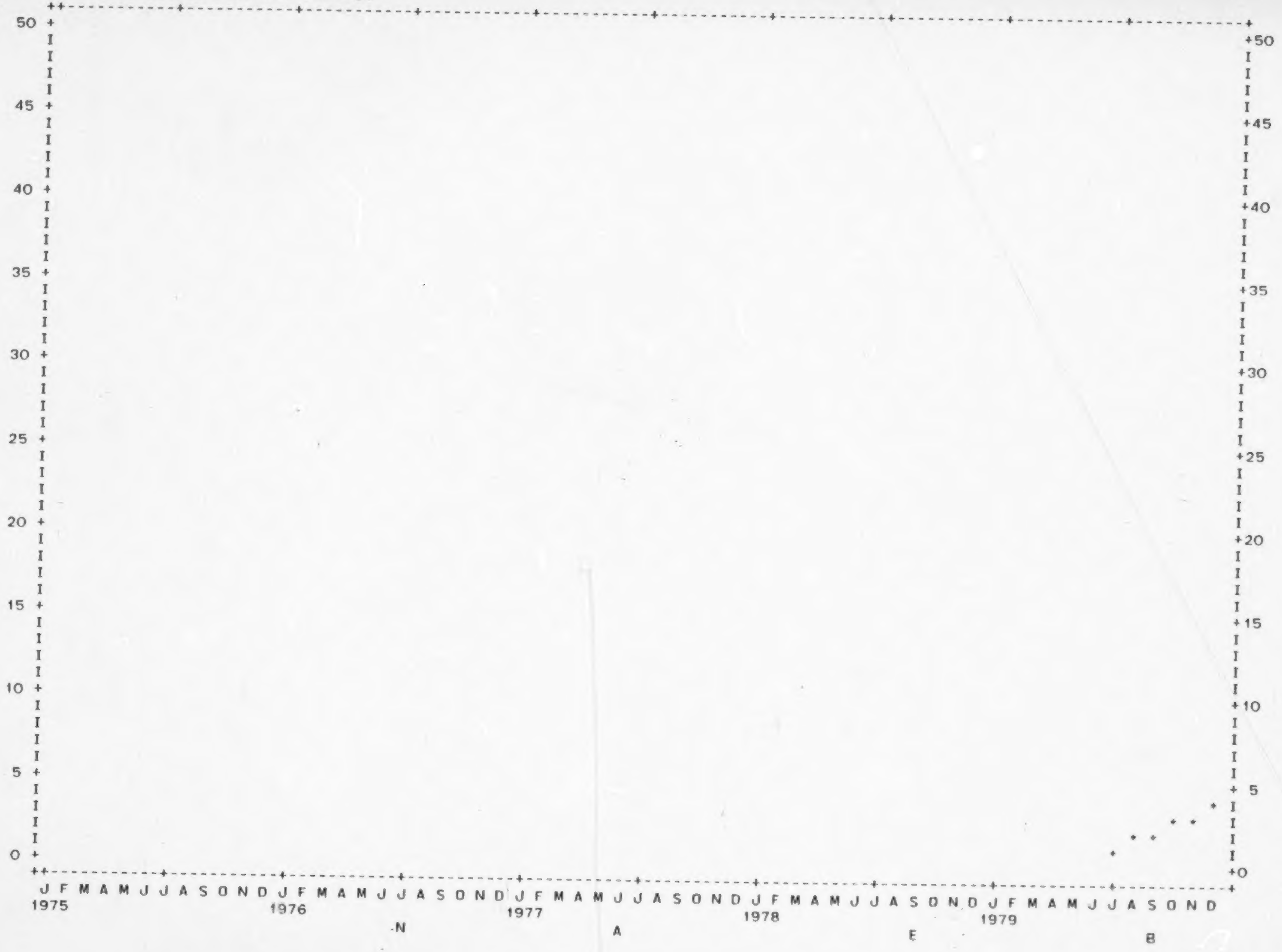


TIME SERIES PLOT FOR DETROIT



TIME SERIES PLOT FOR EL PASO



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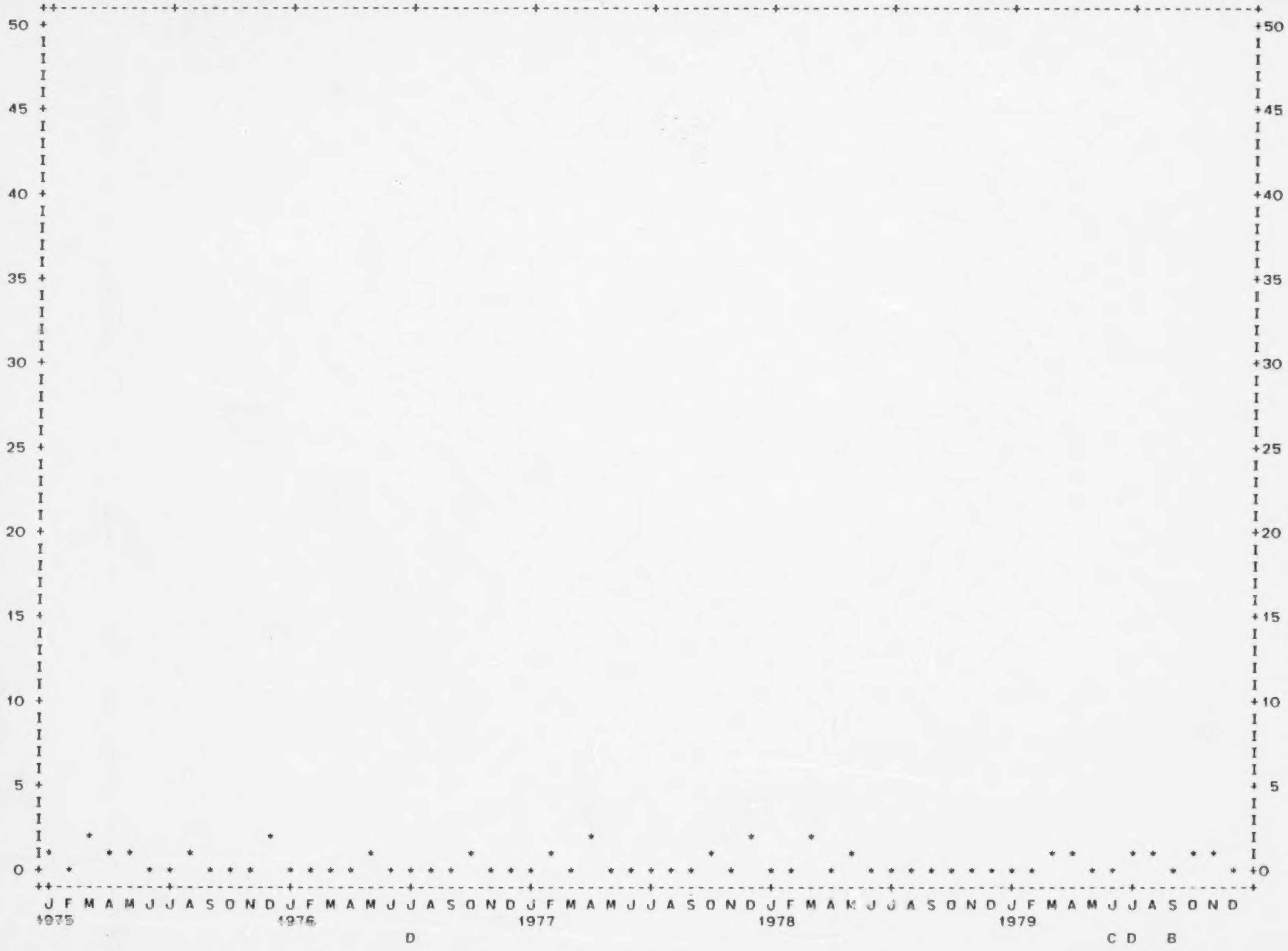
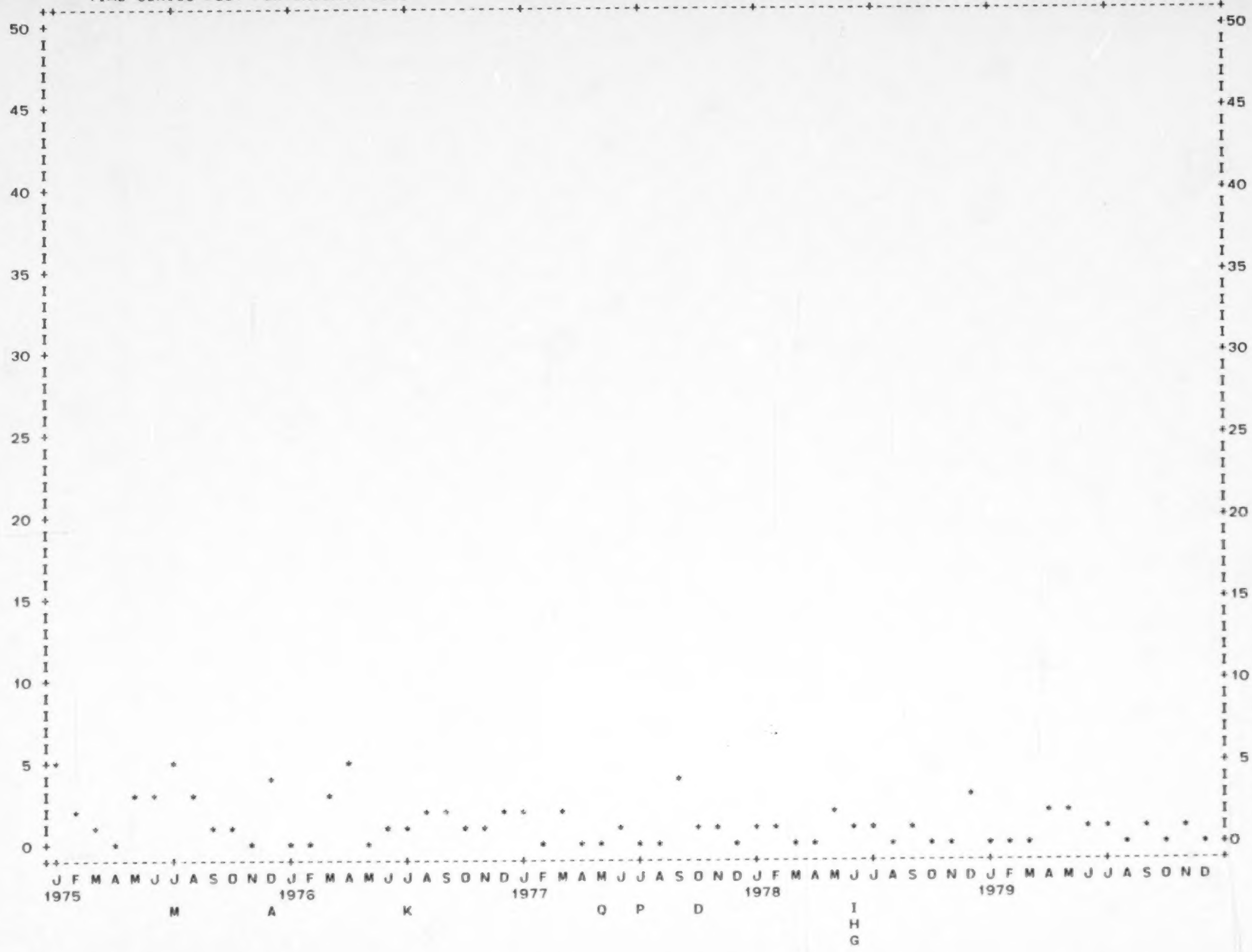
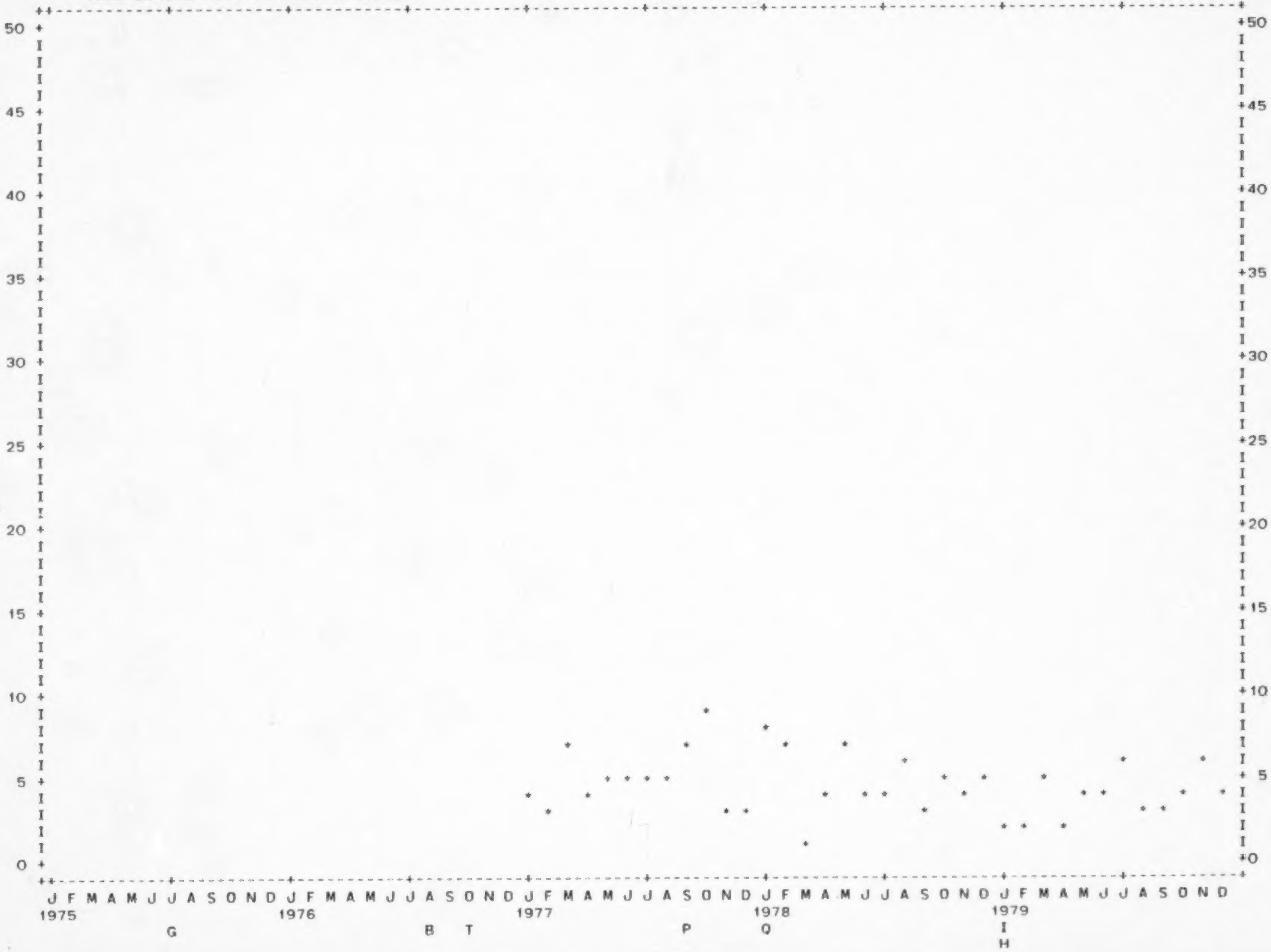


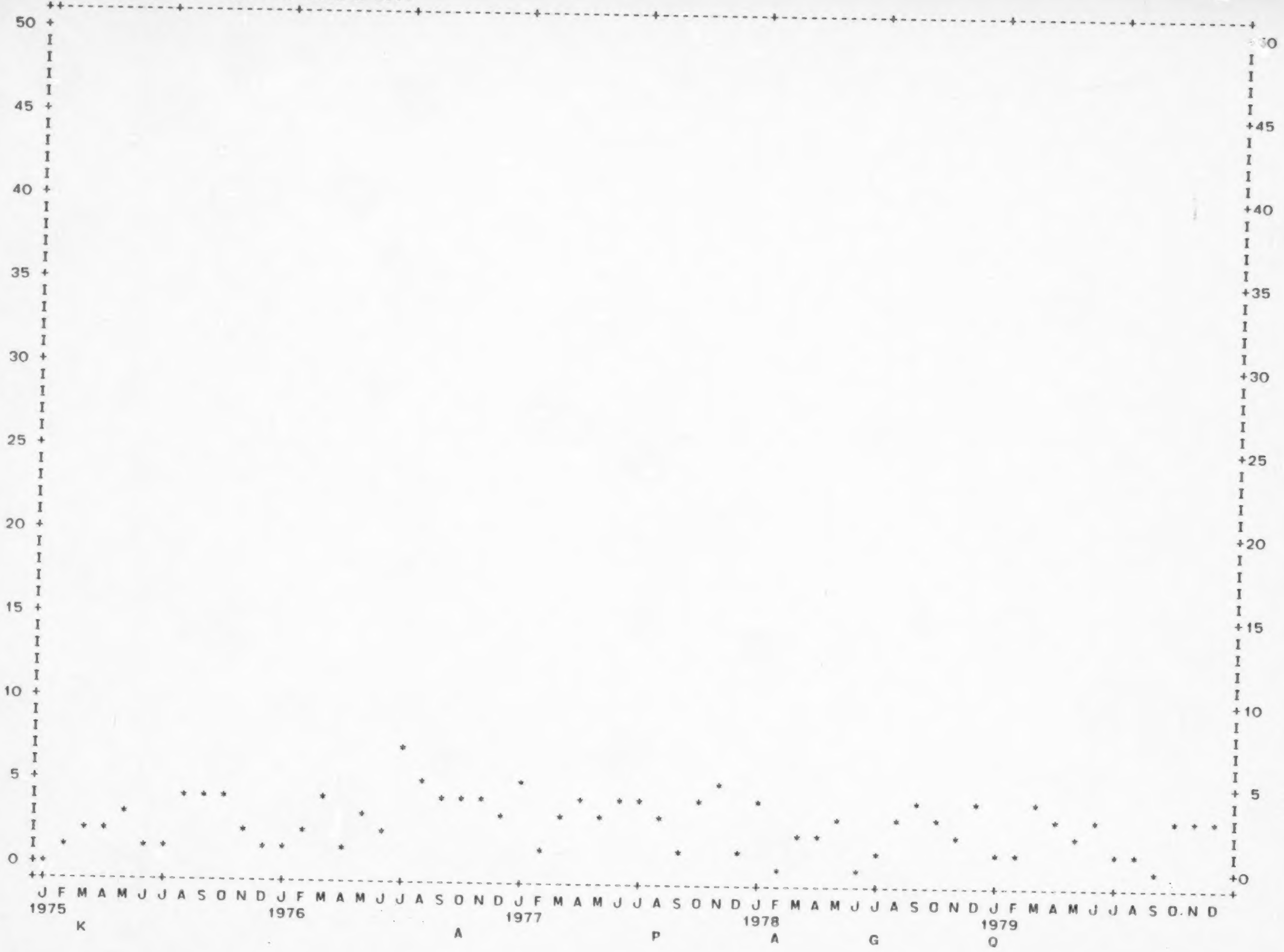
TIME SERIES PLOT FOR INDIANAPOLIS



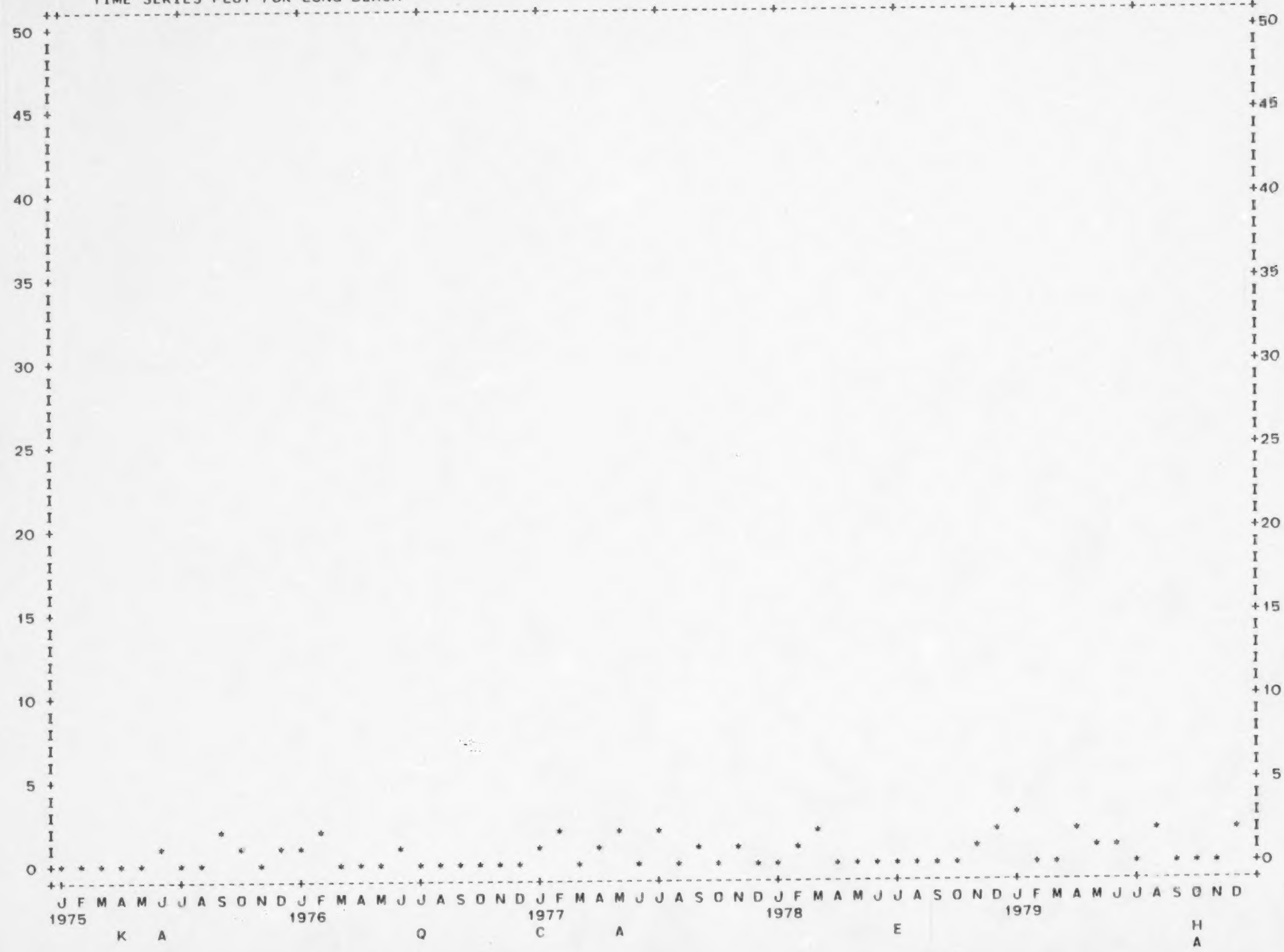
TIME SERIES PLOT FOR JACKSONVILLE

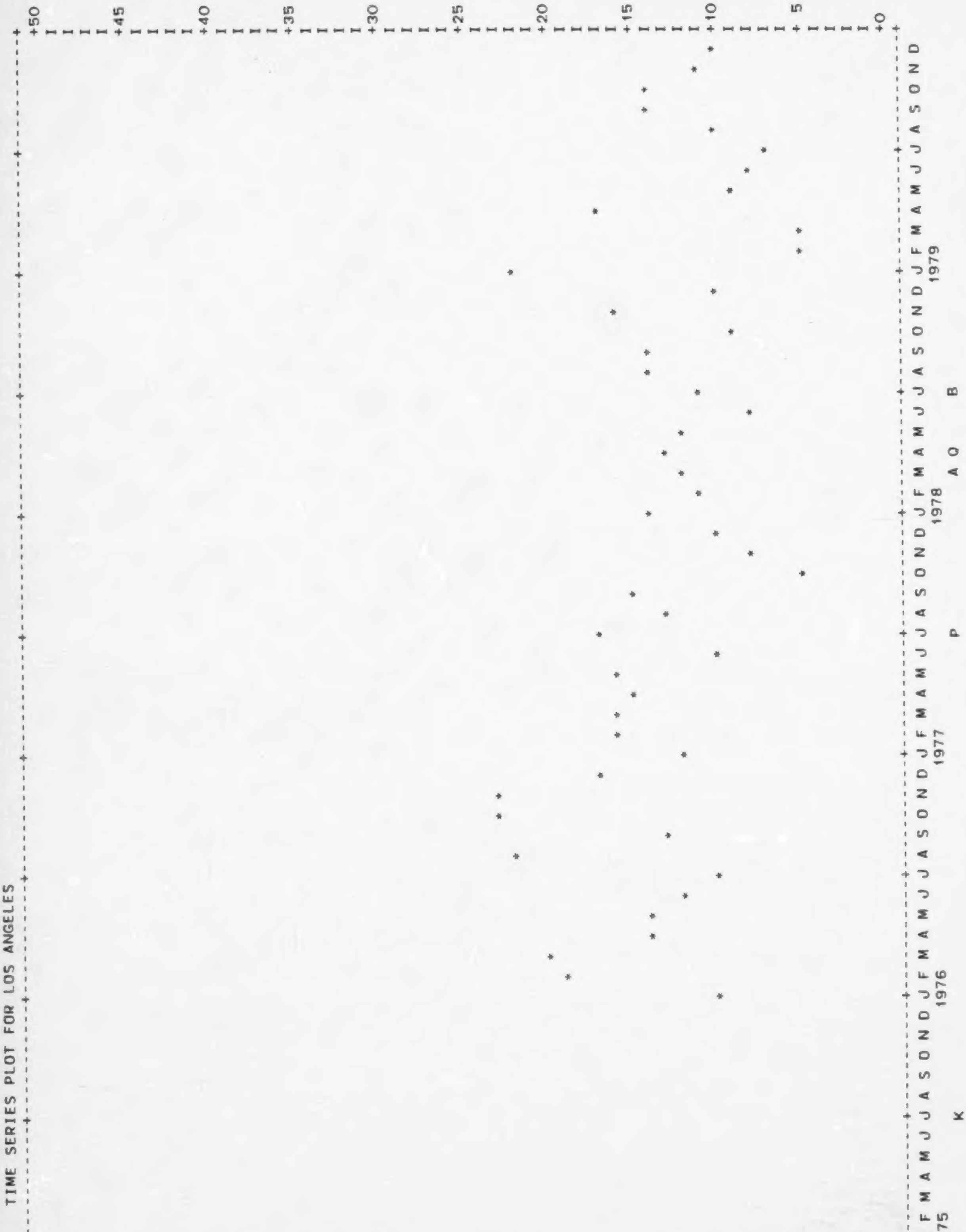


TIME SERIES PLOT FOR KANSAS CITY

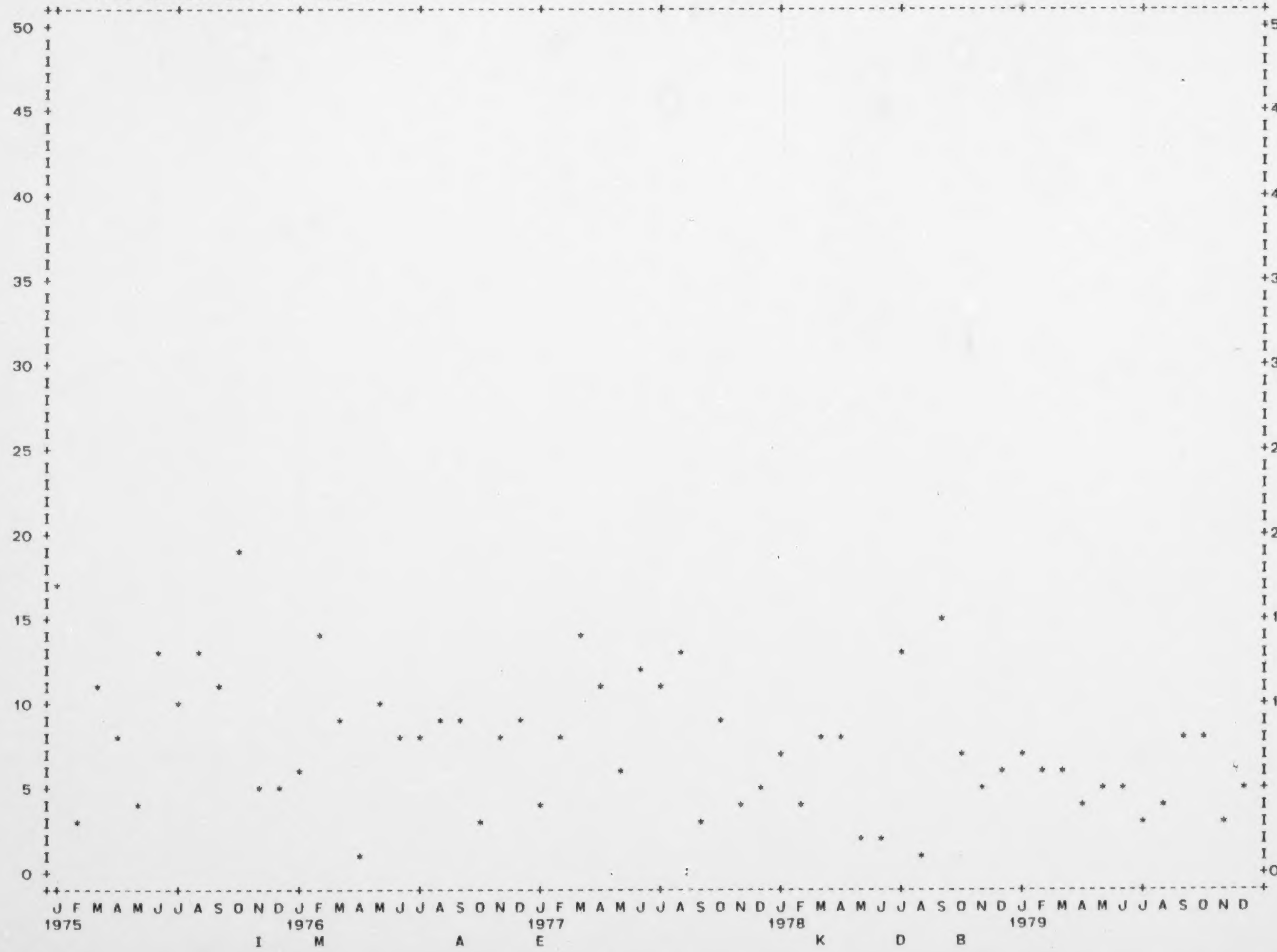


TIME SERIES PLOT FOR LONG BEACH




TIME SERIES PLOT FOR LOS ANGELES

TIME SERIES PLOT FOR MEMPHIS



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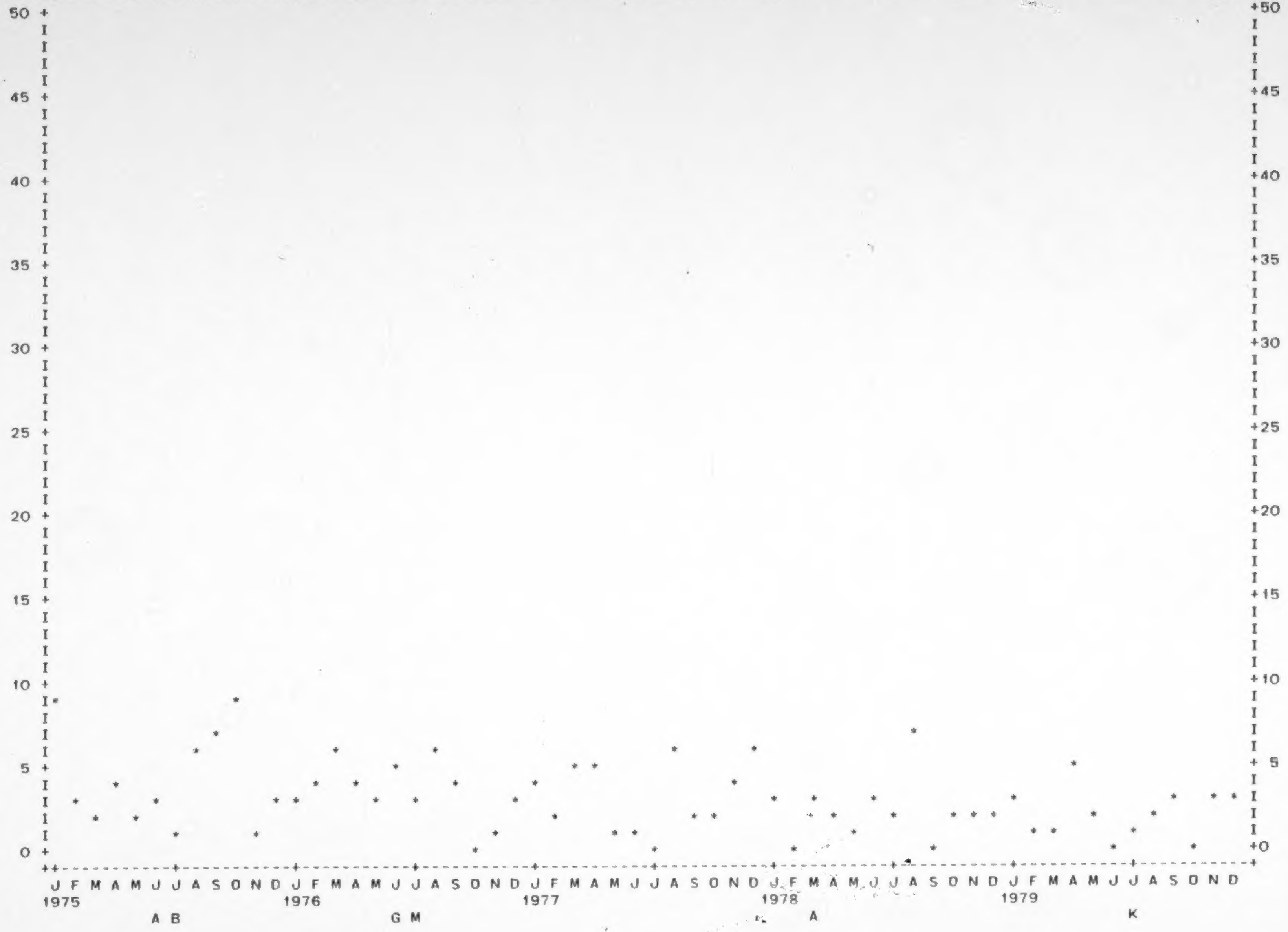
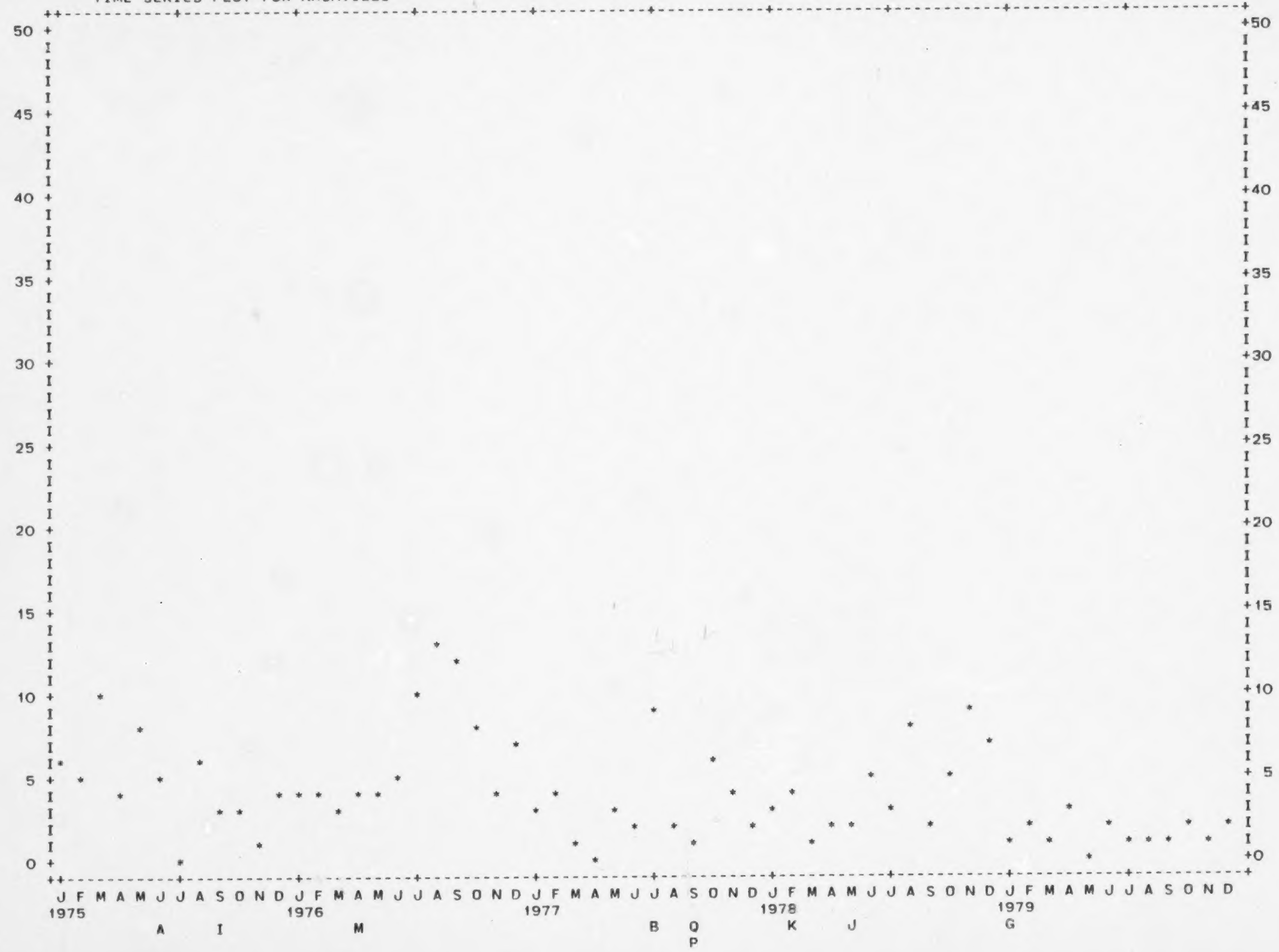
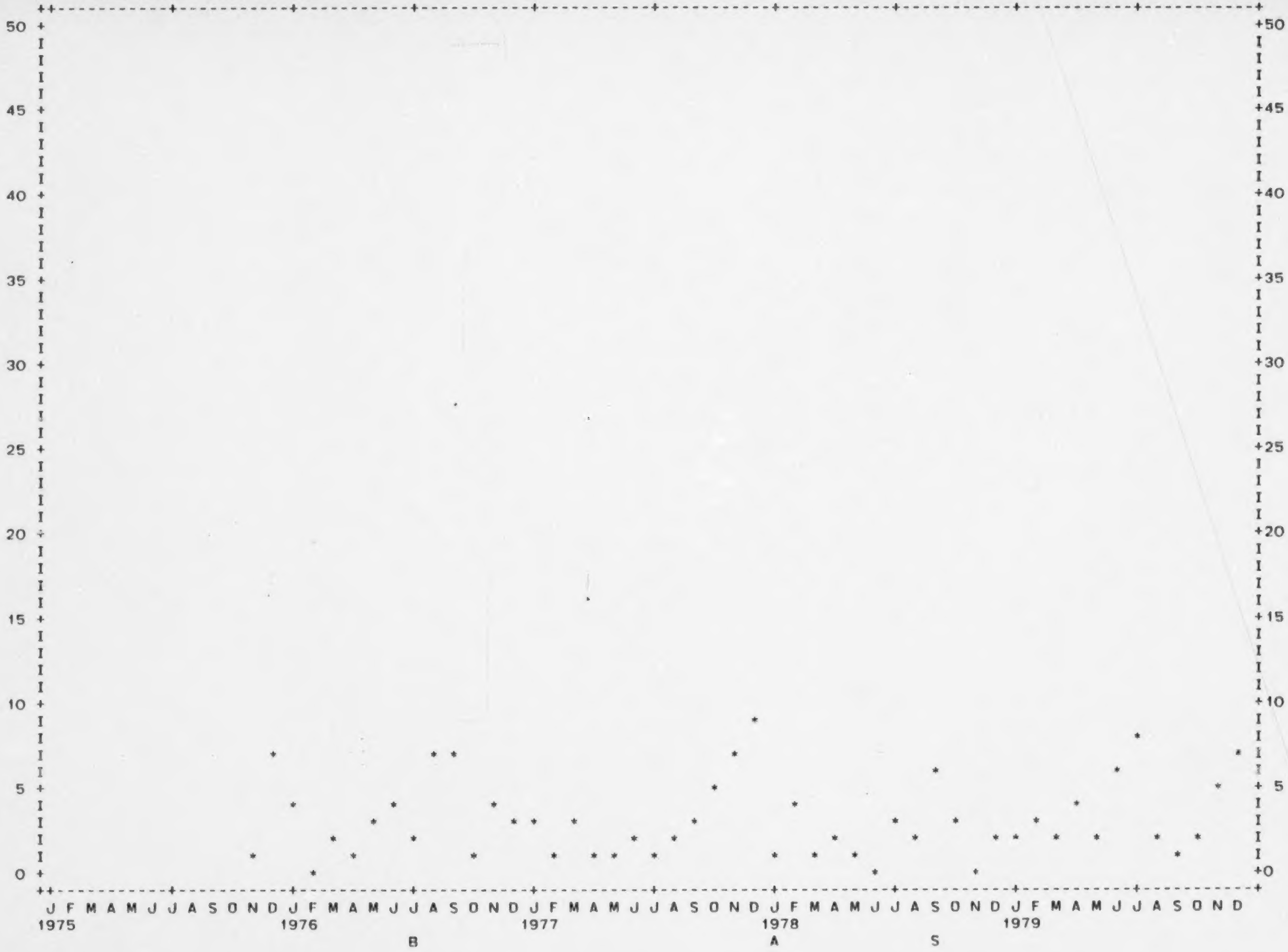


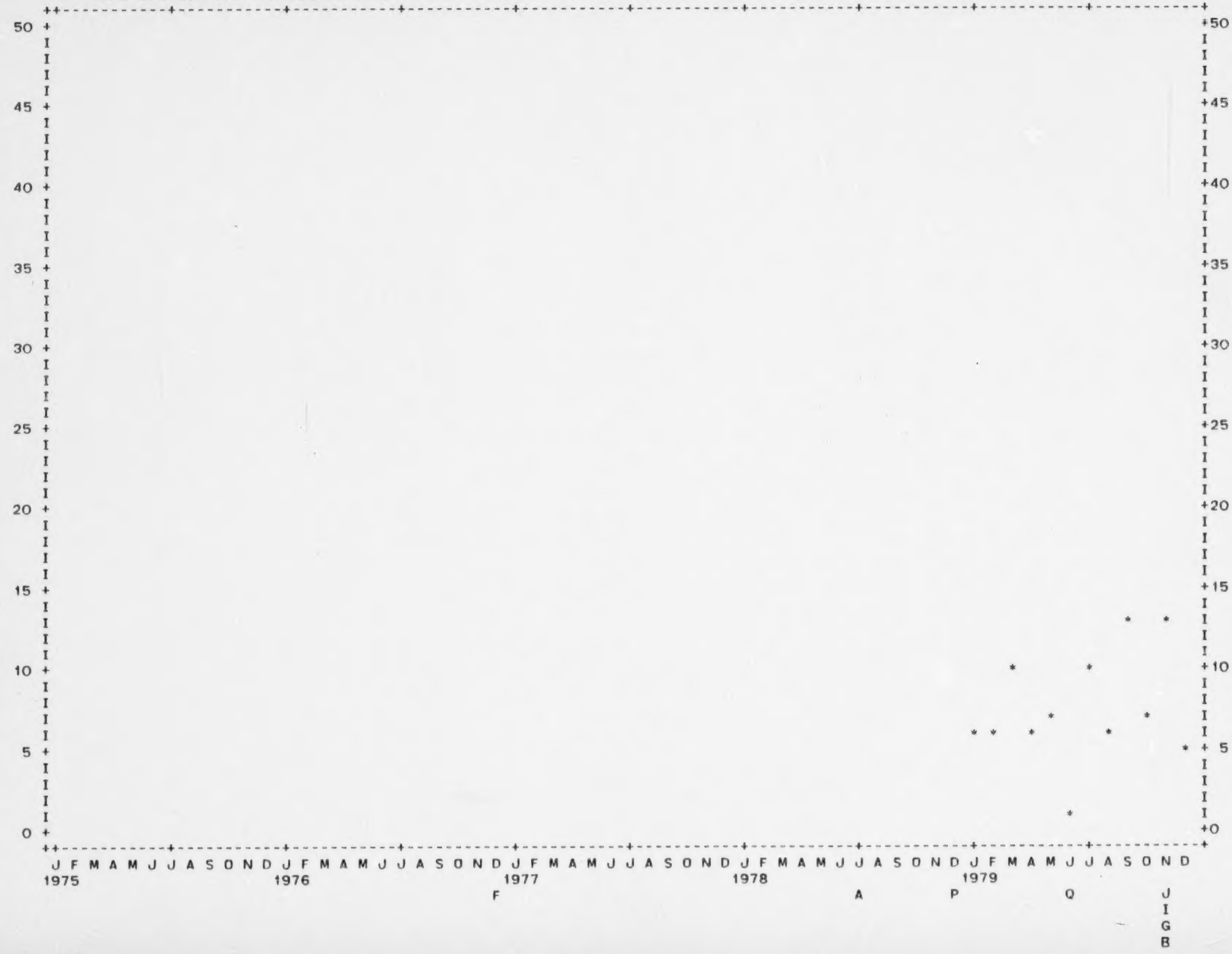
TIME SERIES PLOT FOR NASHVILLE

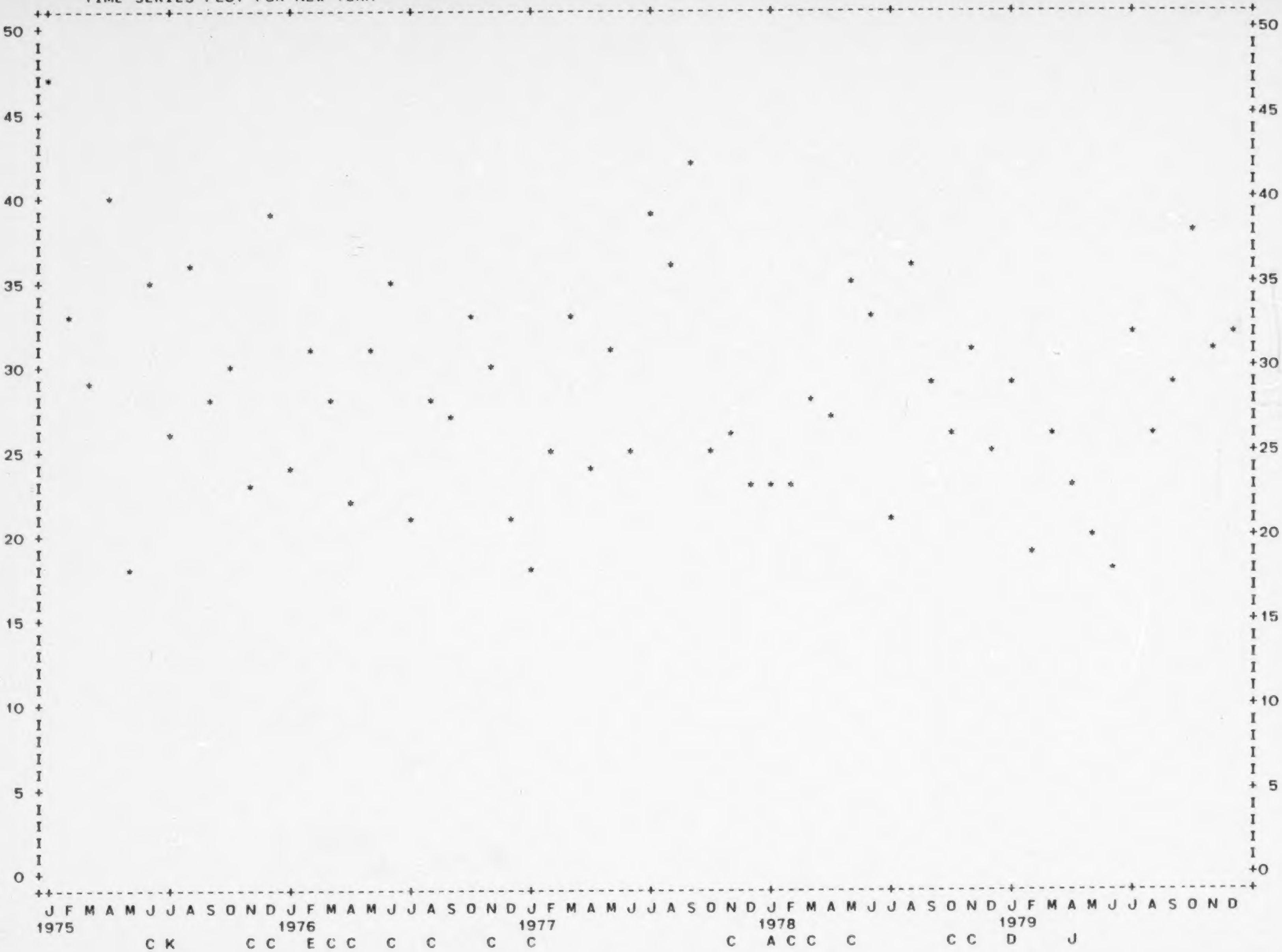


TIME SERIES PLOT FOR NEWARK



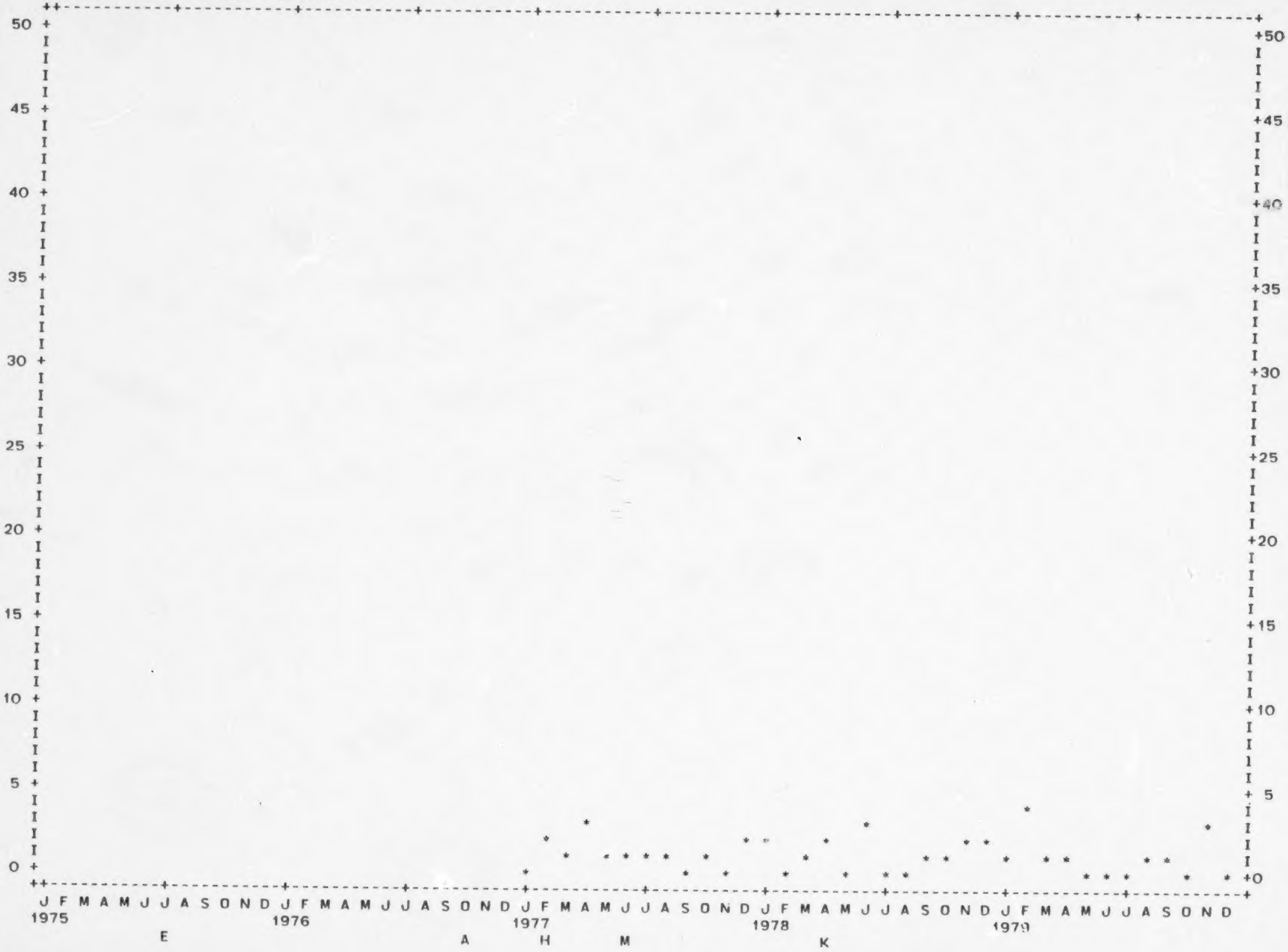
TIME SERIES PLOT FOR NEW ORLEANS



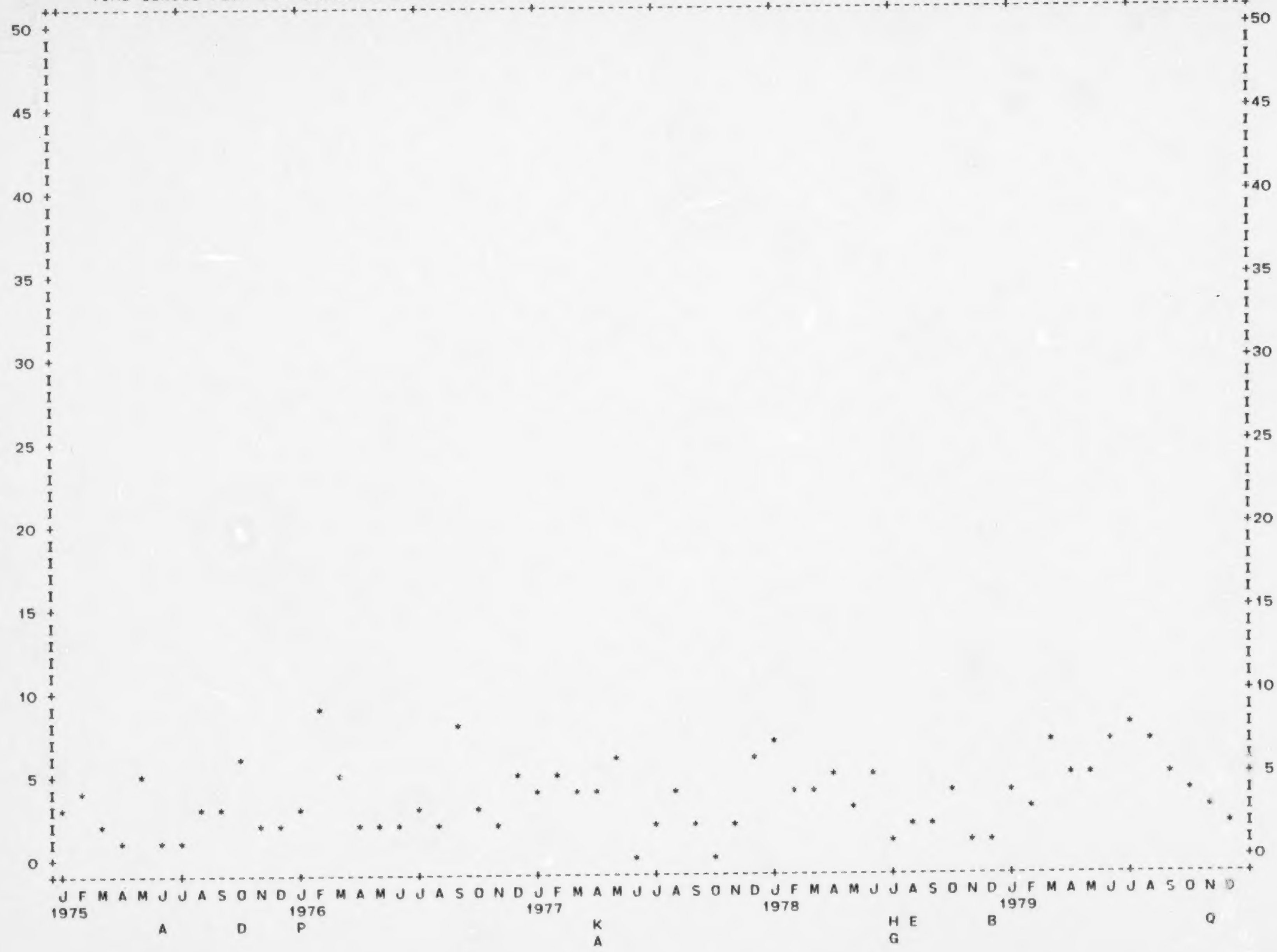


TIME SERIES PLOT FOR NEW YORK

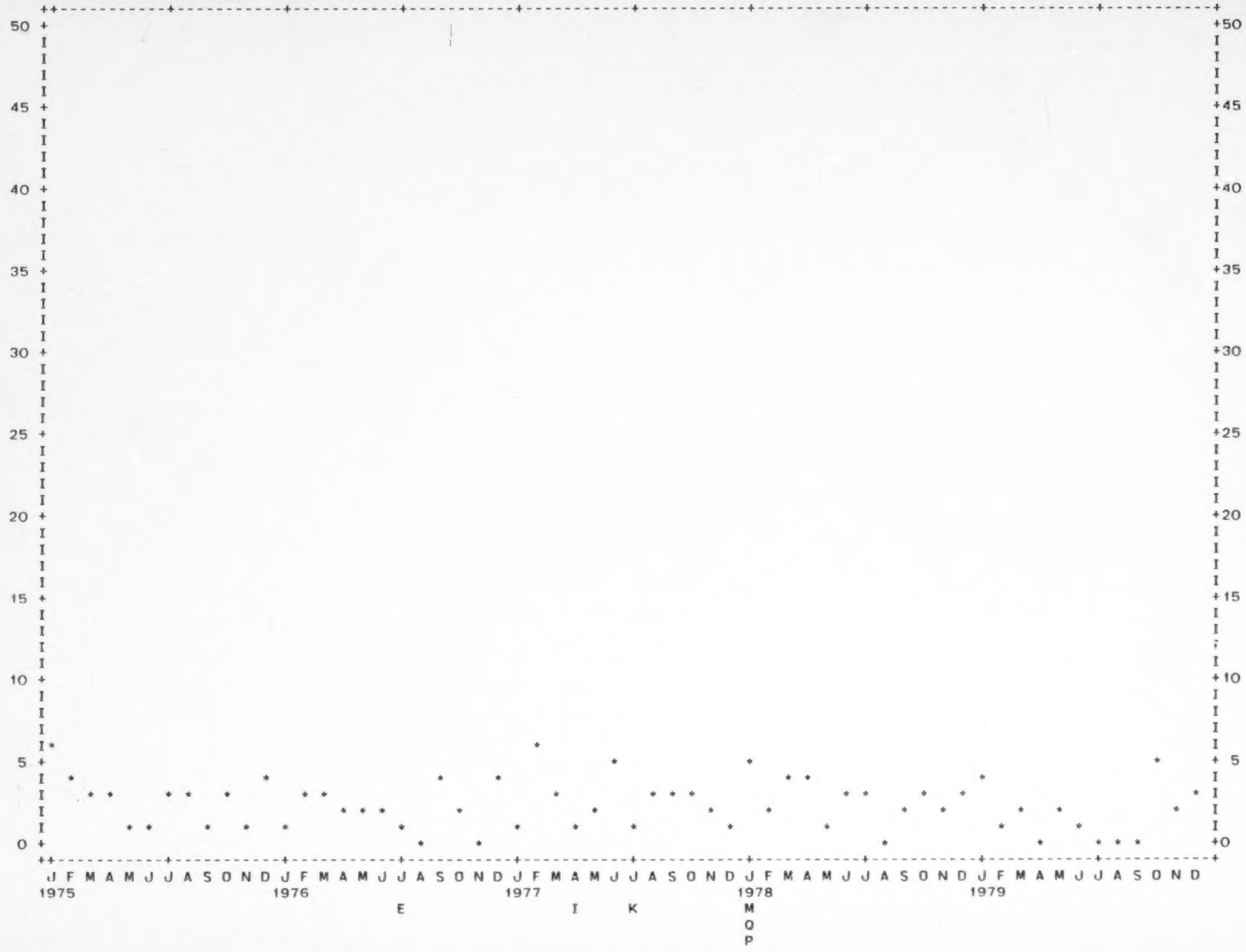
TIME SERIES PLOT FOR NORFOLK



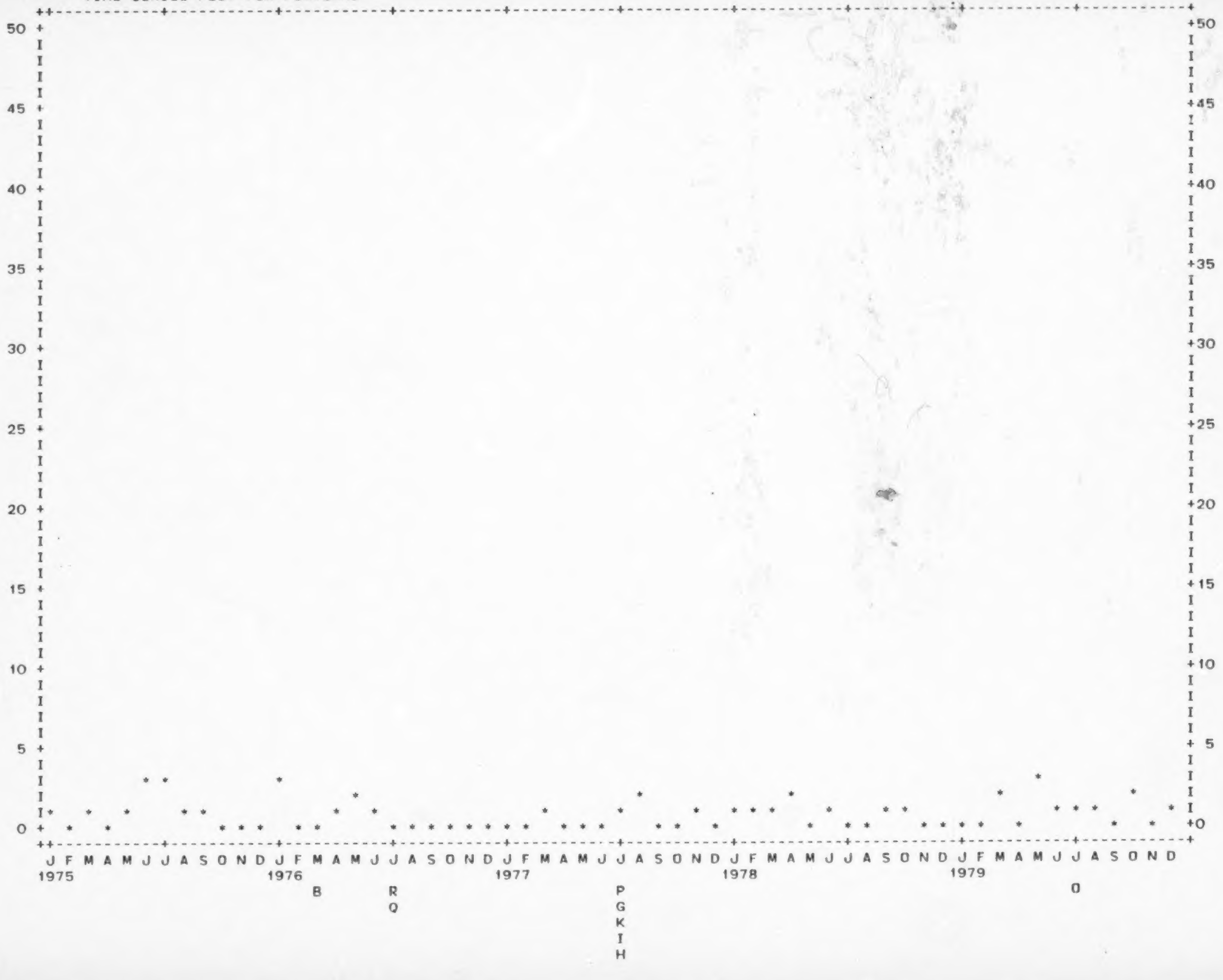
TIME SERIES PLOT FOR OKLAHOMA CITY



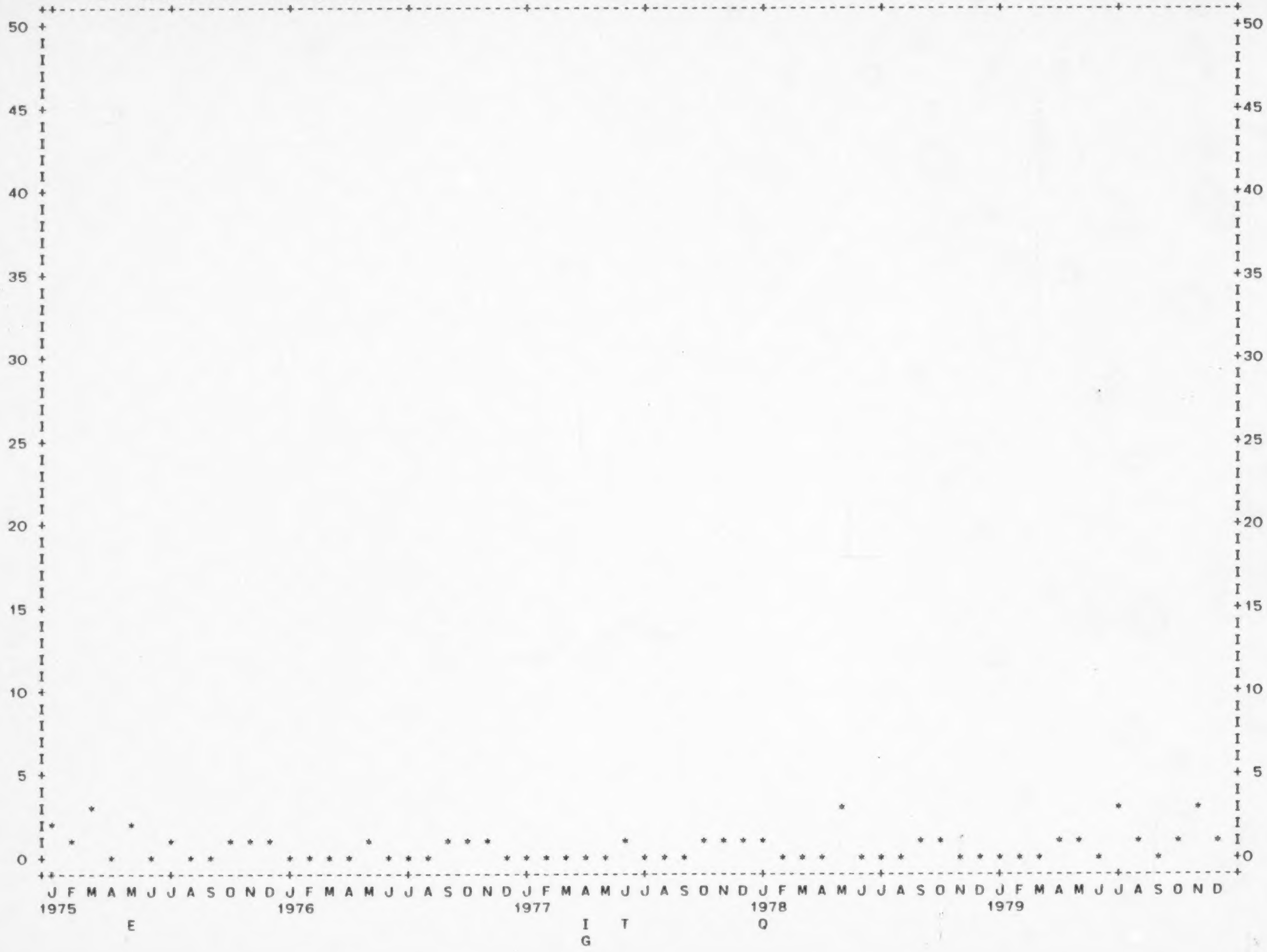
TIME SERIES PLOT FOR PHOENIX



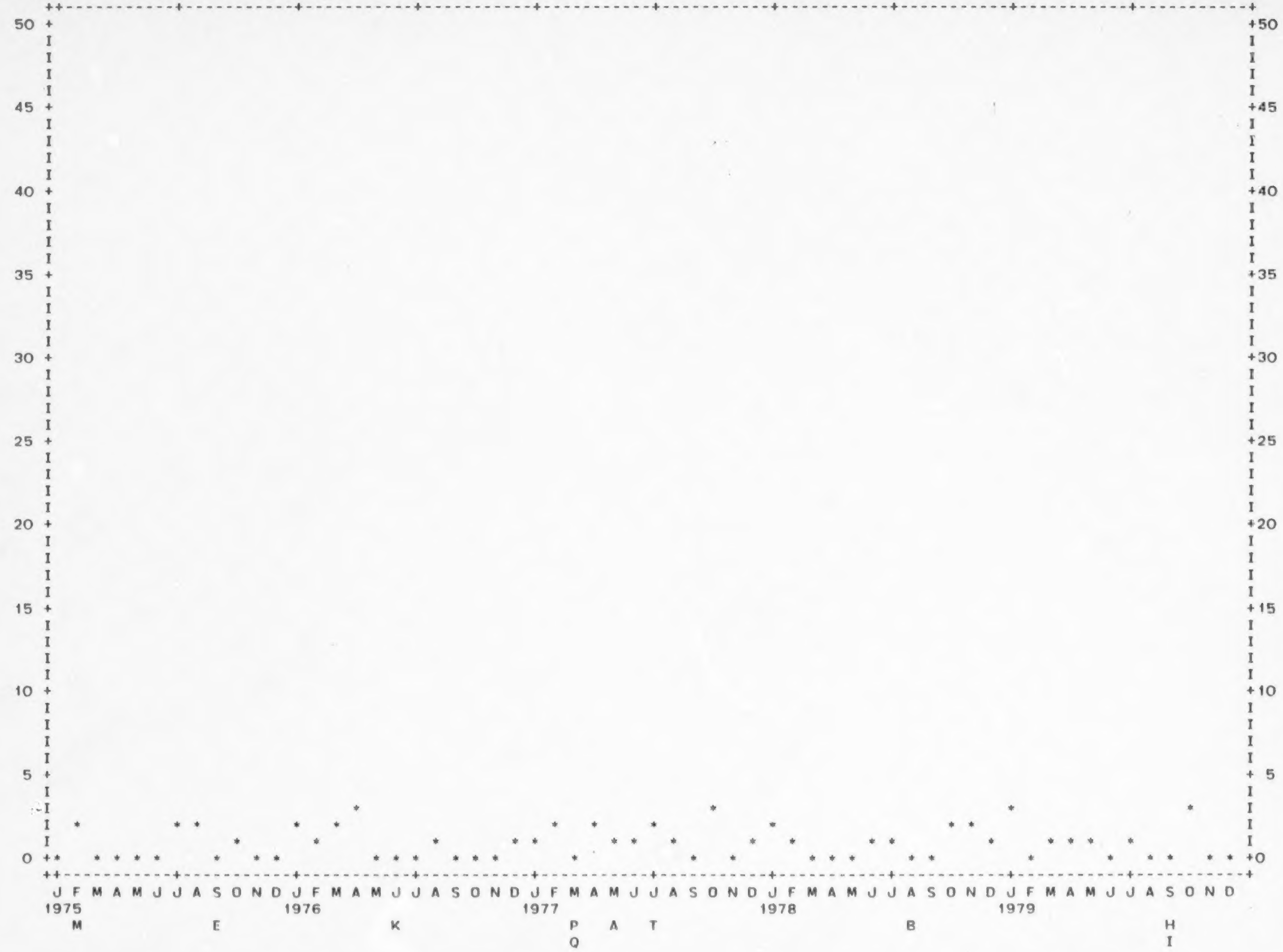
TIME SERIES PLOT FOR PORTLAND



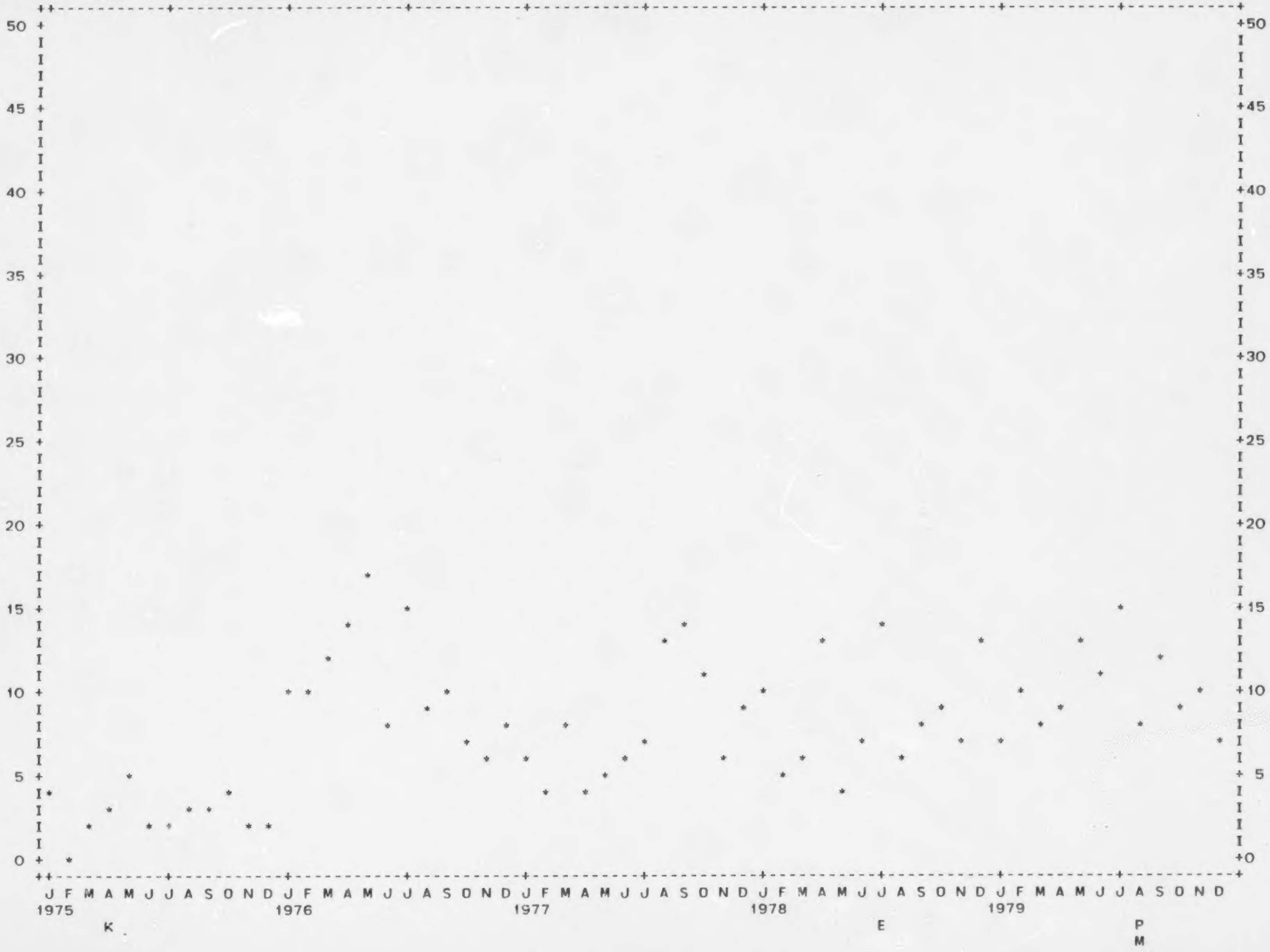
TIME SERIES PLOT FOR ROCHESTER



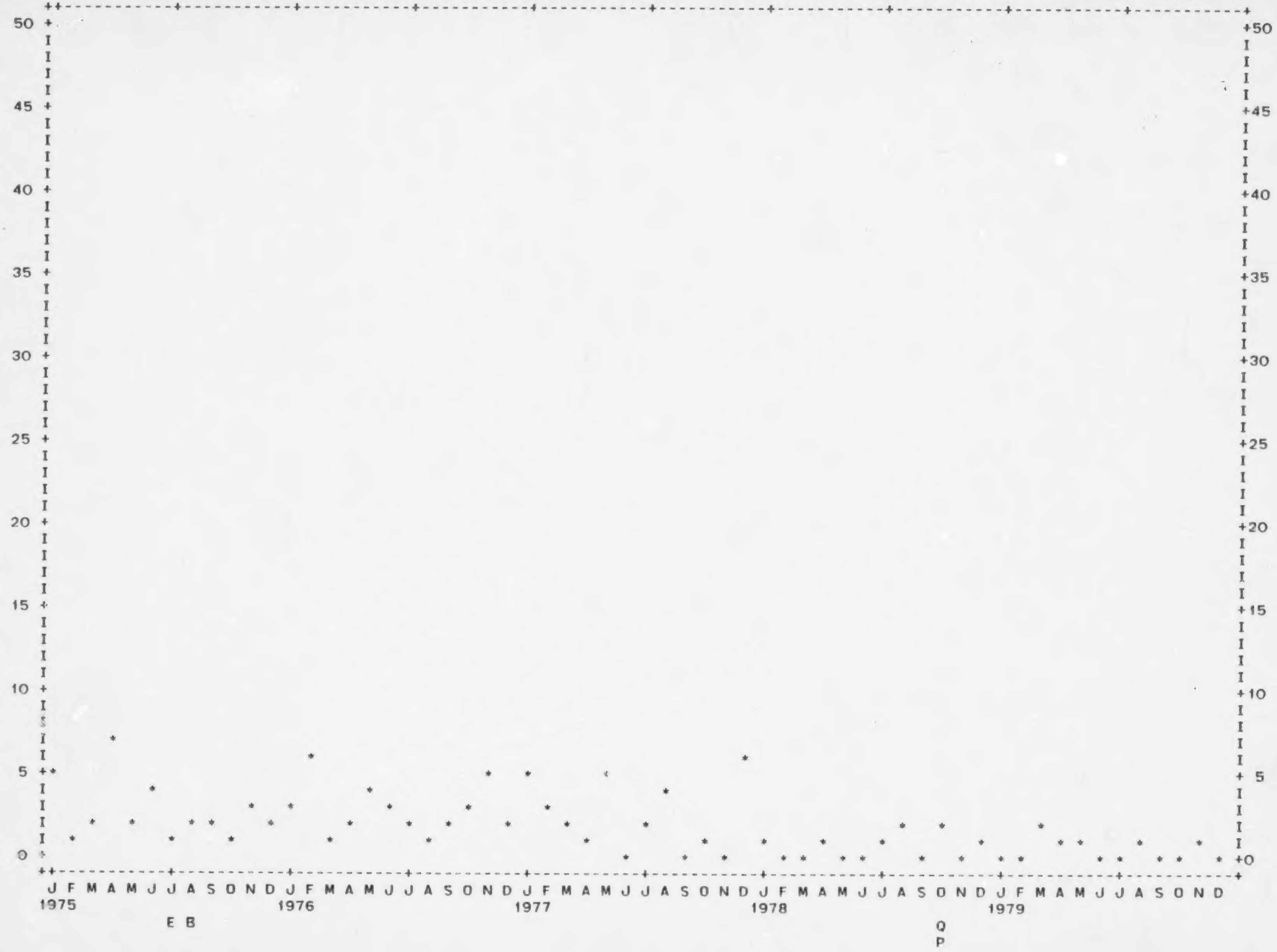
TIME SERIES PLOT FOR SACRAMENTO



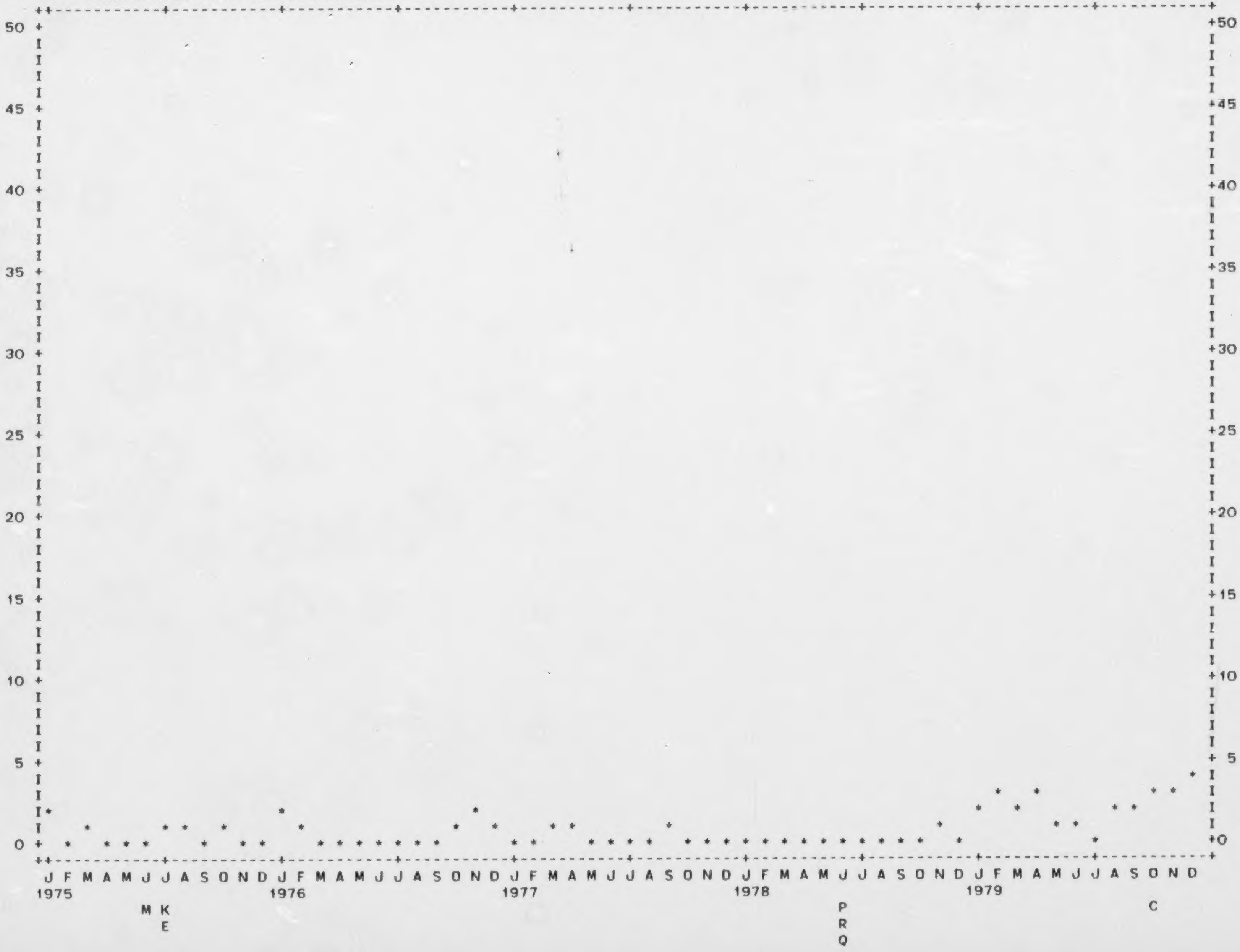
TIME SERIES PLOT FOR ST. LOUIS



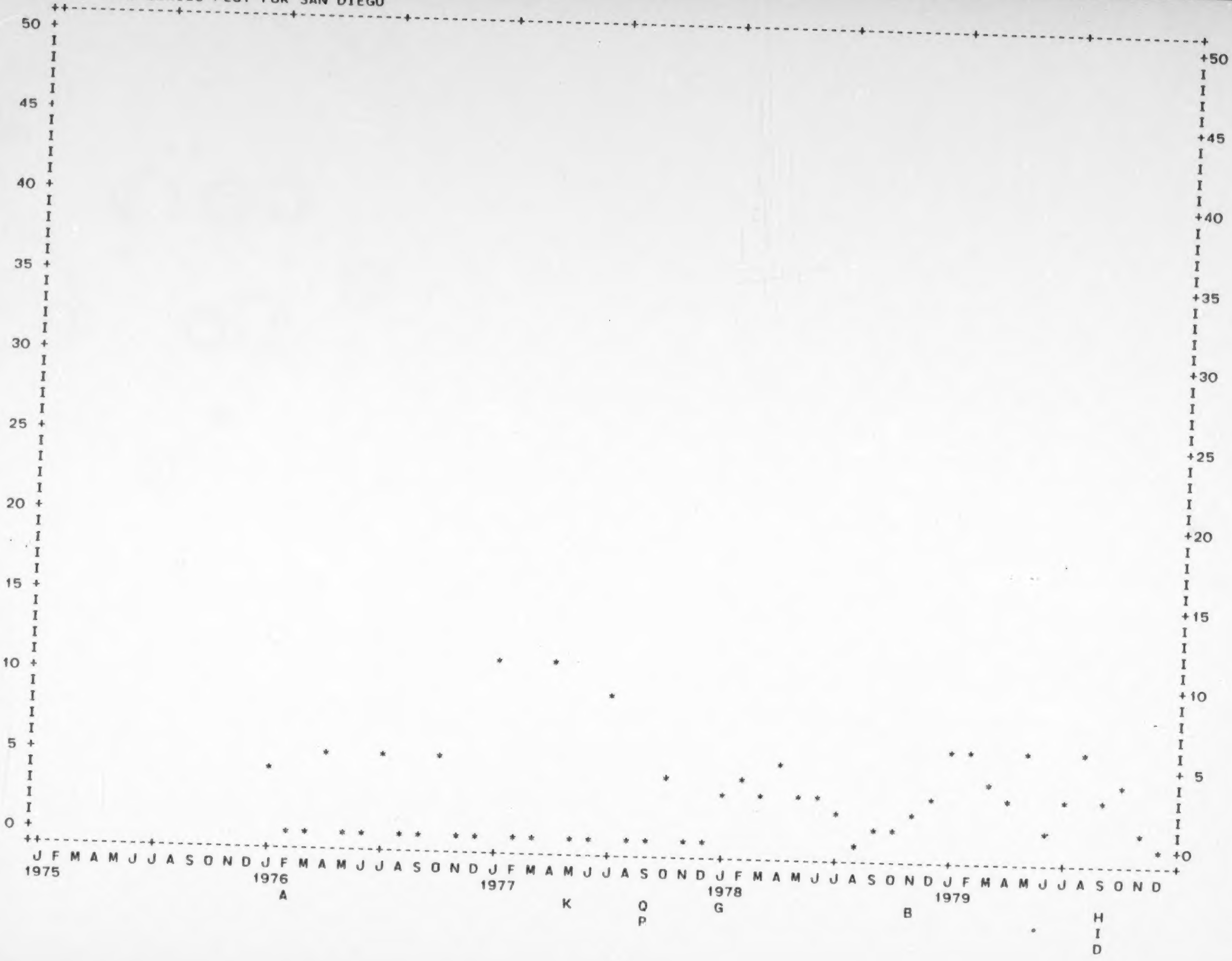
TIME SERIES PLOT FOR ST. PAUL



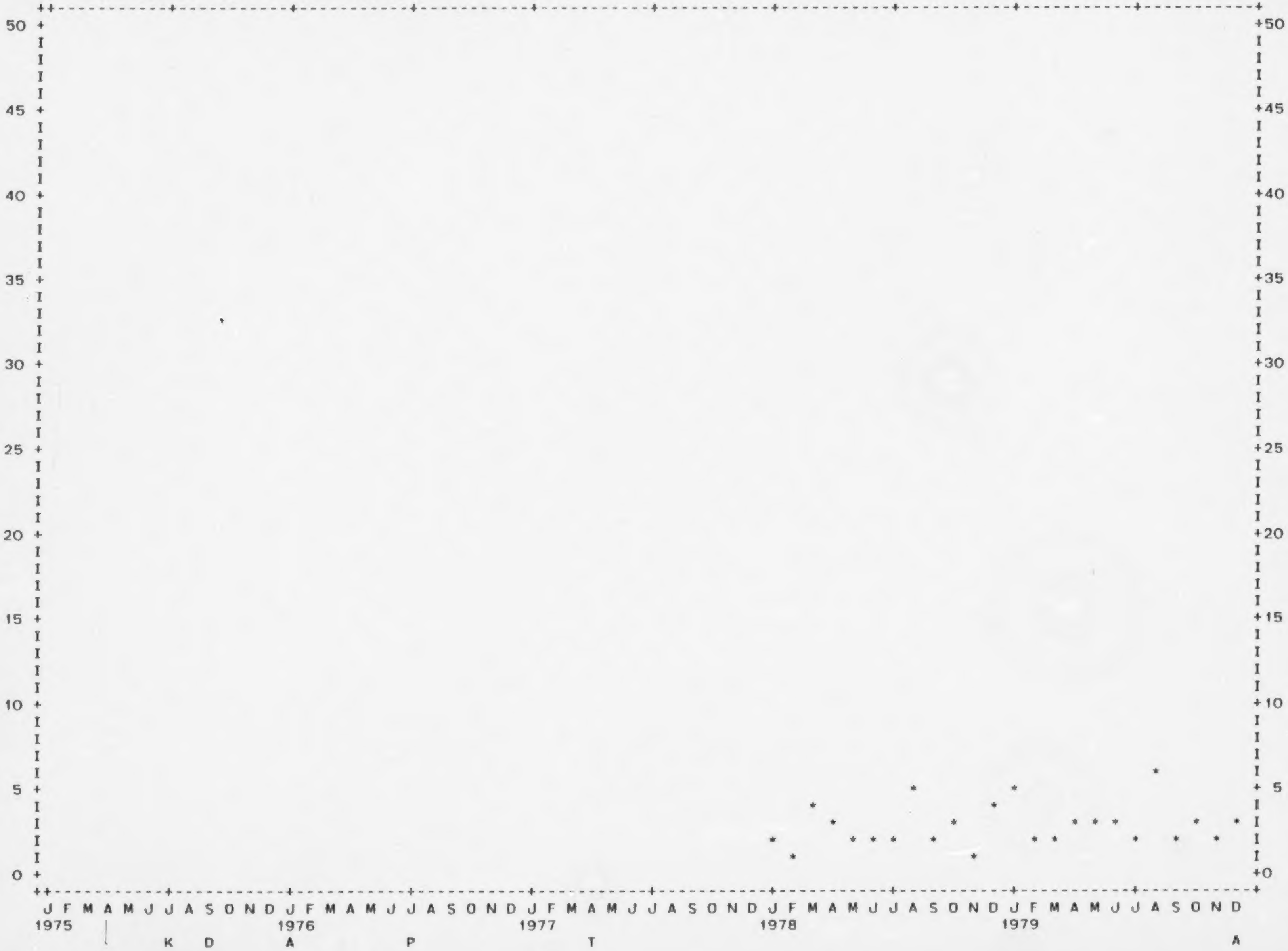
TIME SERIES PLOT FOR SAN ANTONIO



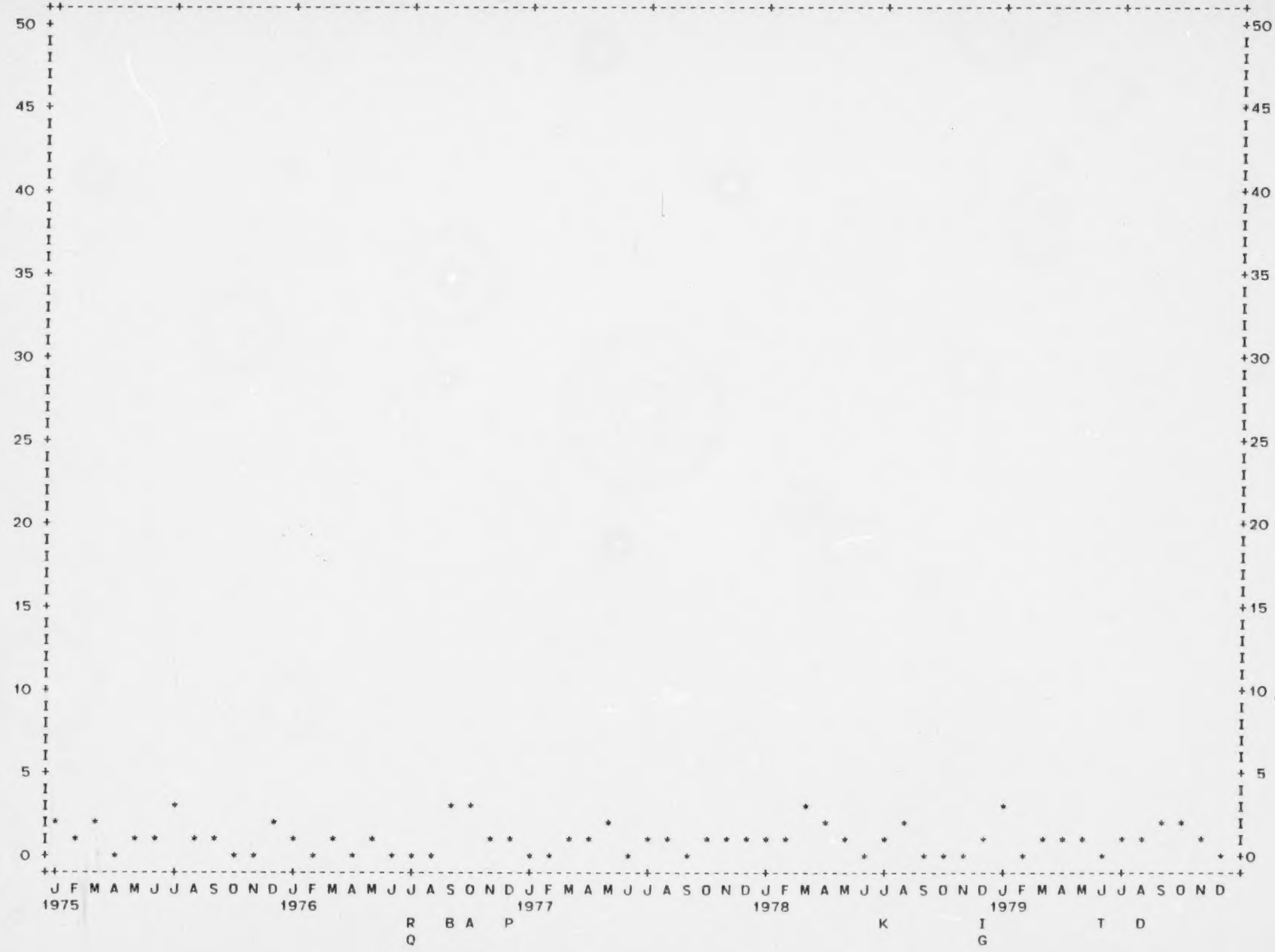
TIME SERIES PLOT FOR SAN DIEGO



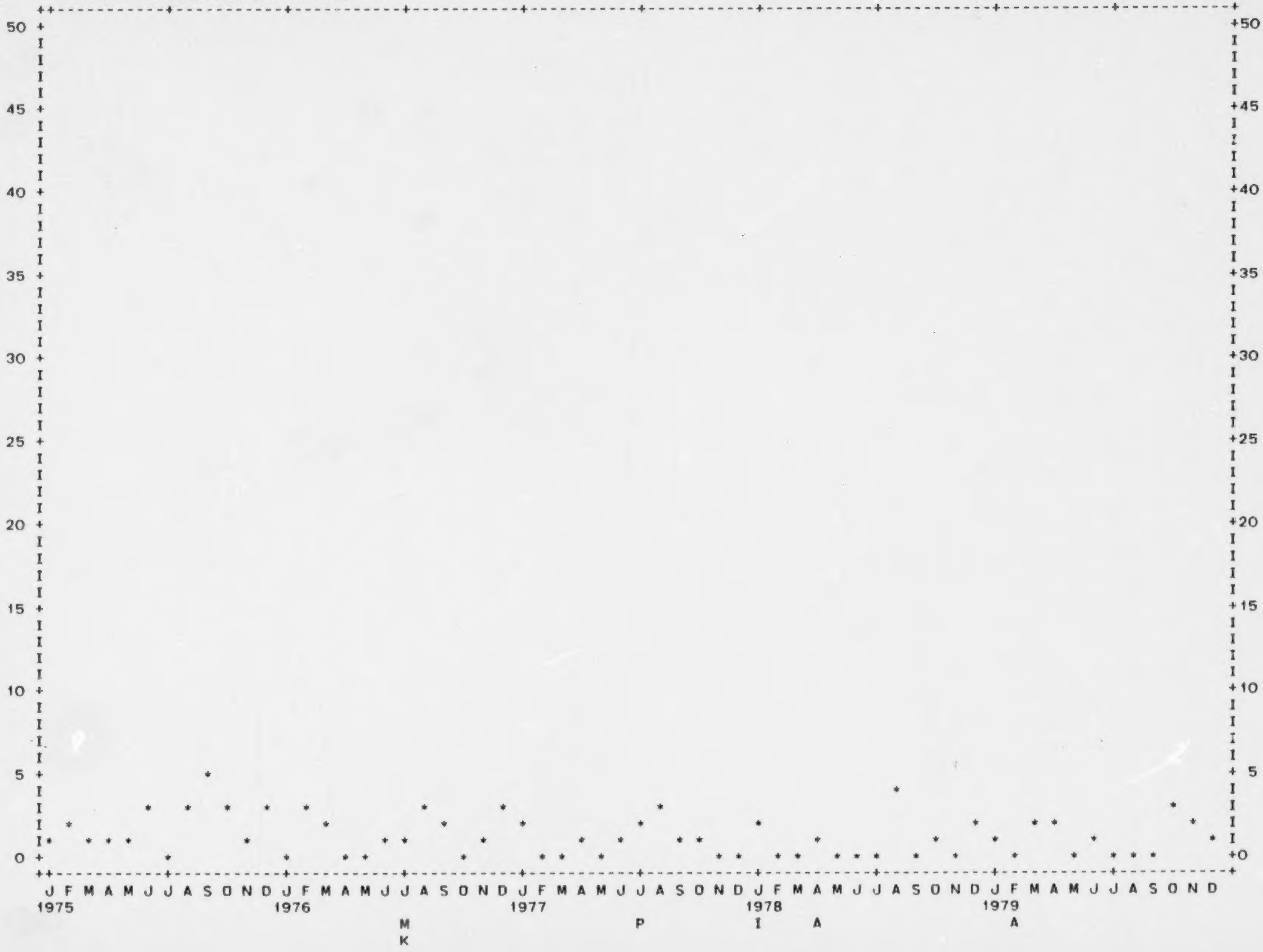
TIME SERIES PLOT FOR SAN FRANCISCO



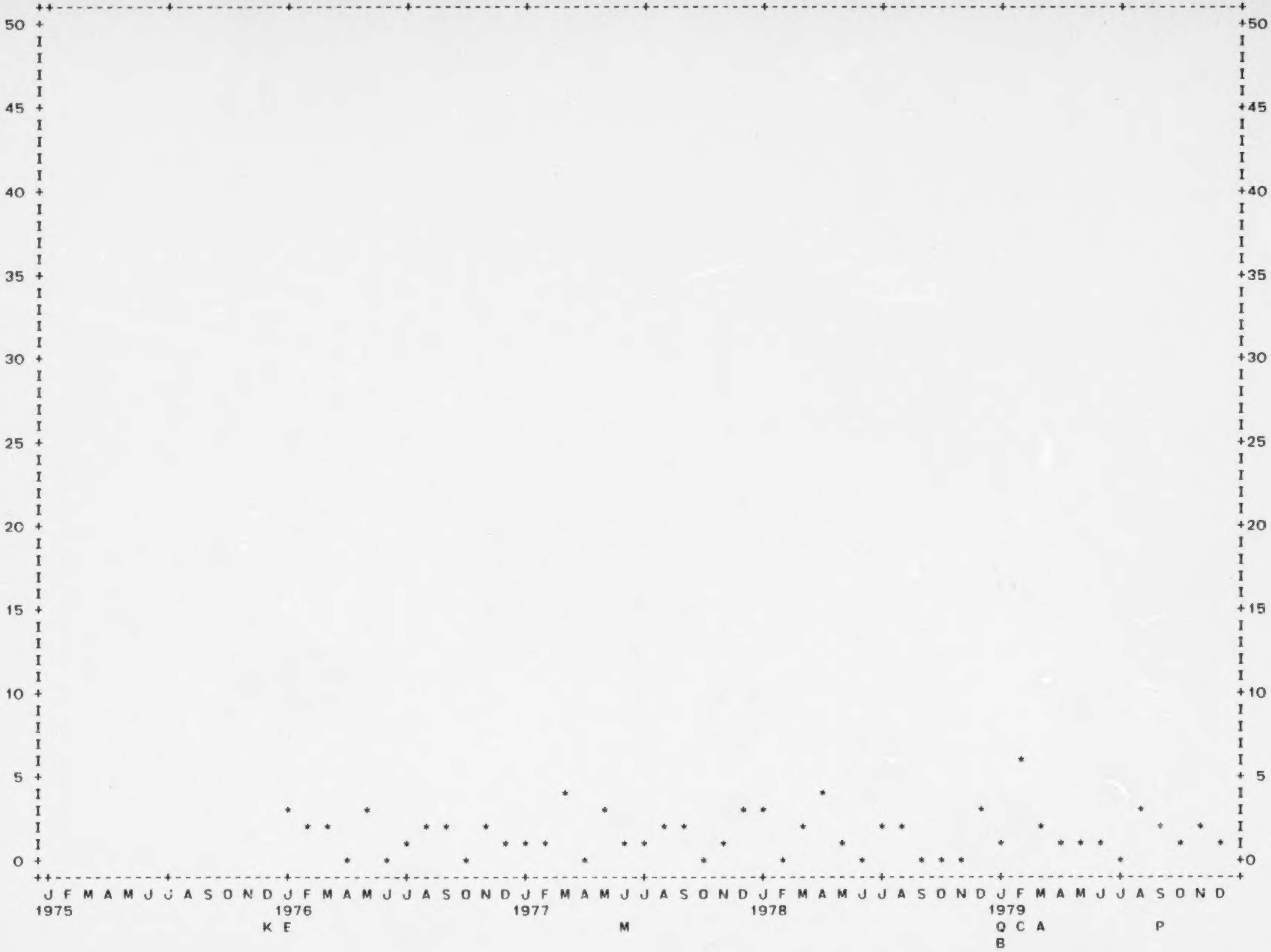
TIME SERIES PLOT FOR SAN JOSE



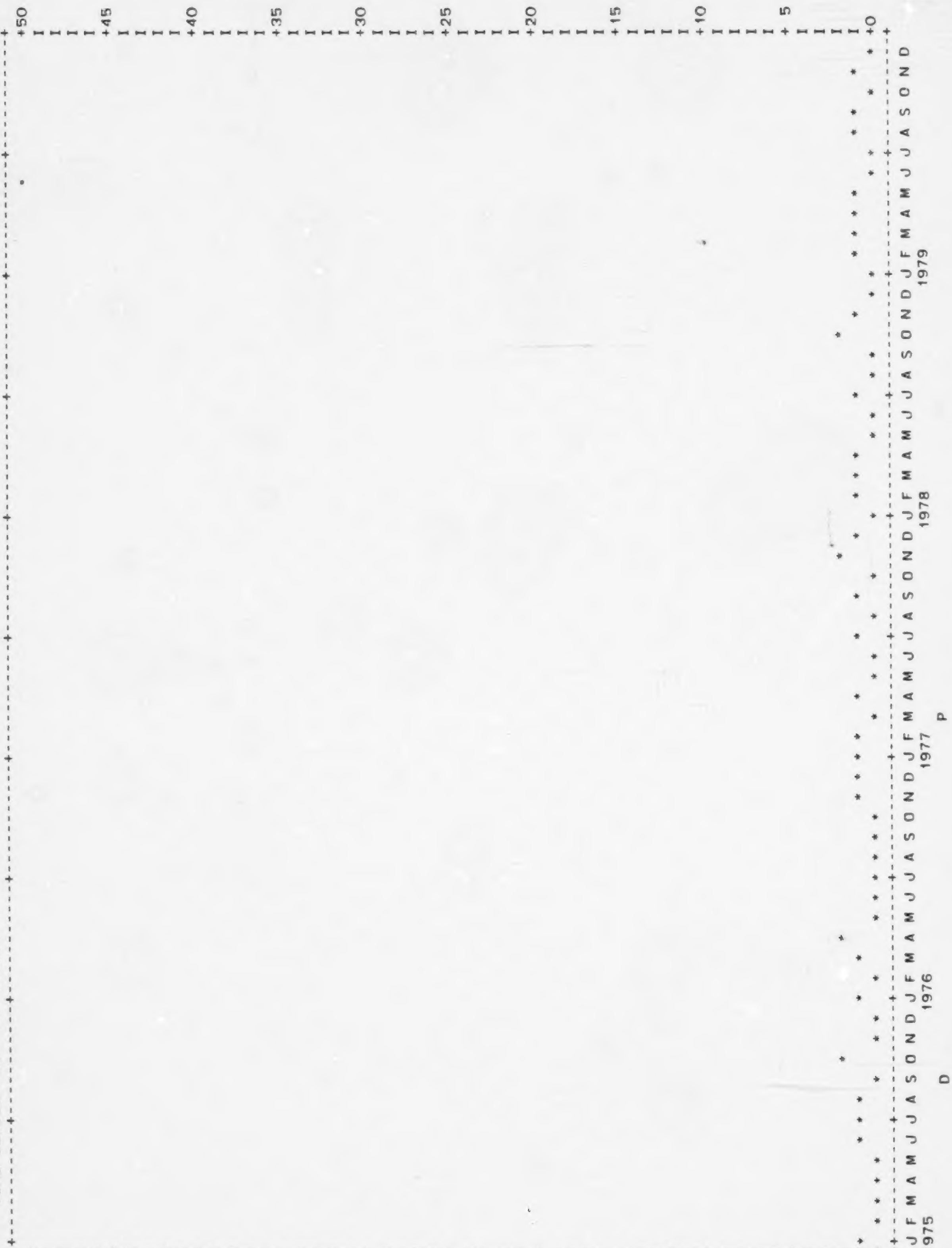
TIME SERIES PLOT FOR SEATTLE



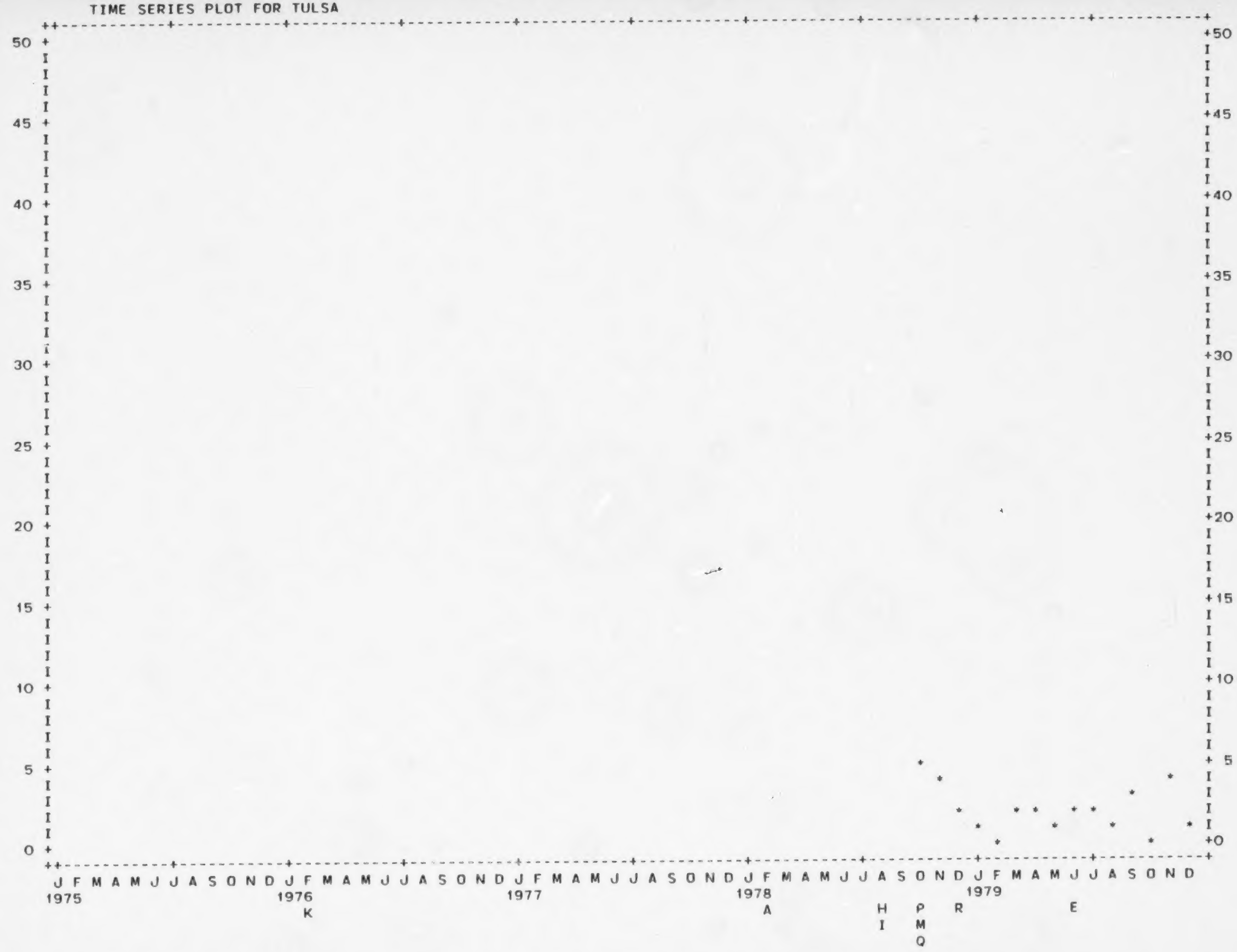
TIME SERIES PLOT FOR TAMPA



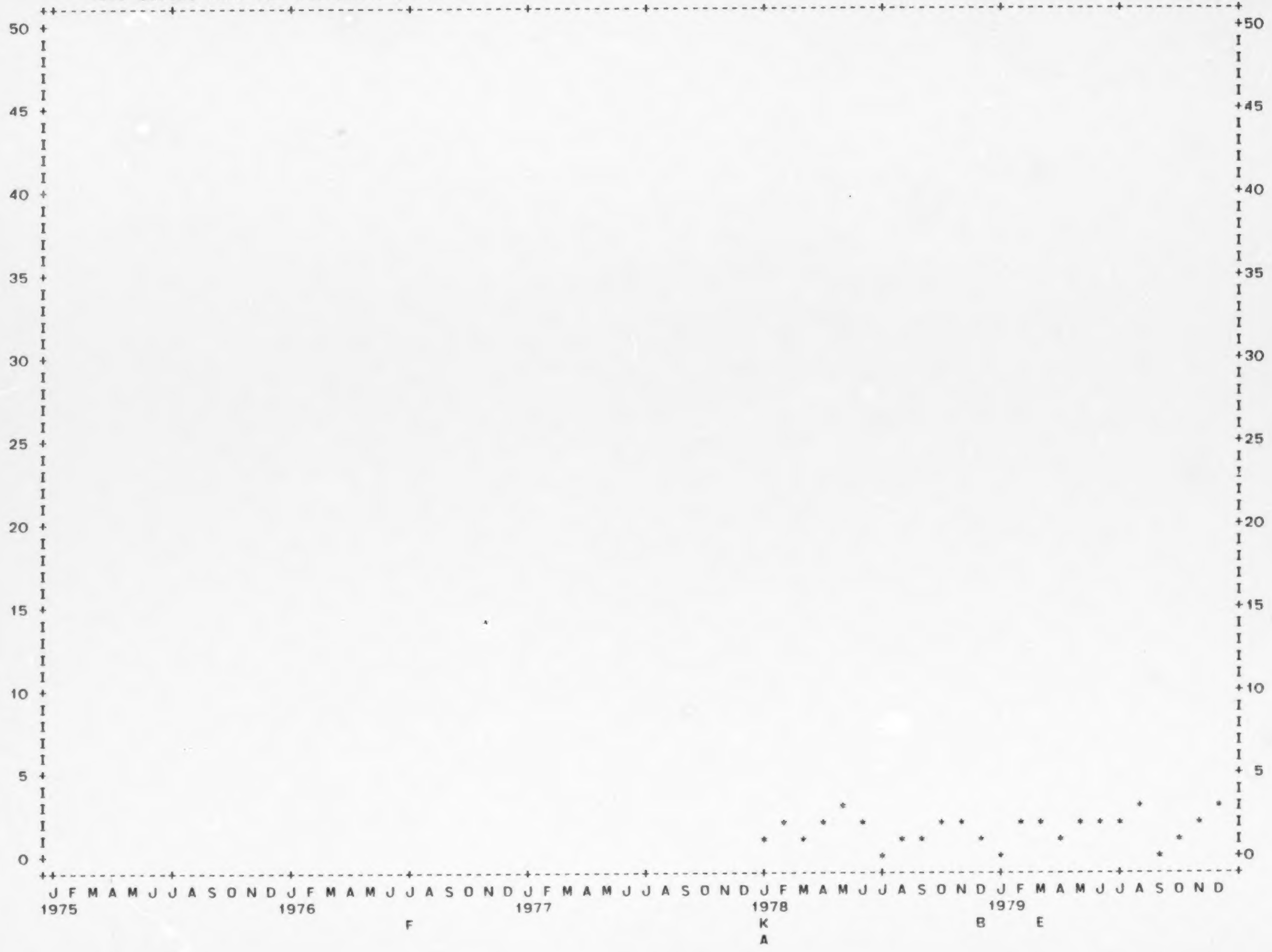
TIME SERIES PLOT FOR TUCSON



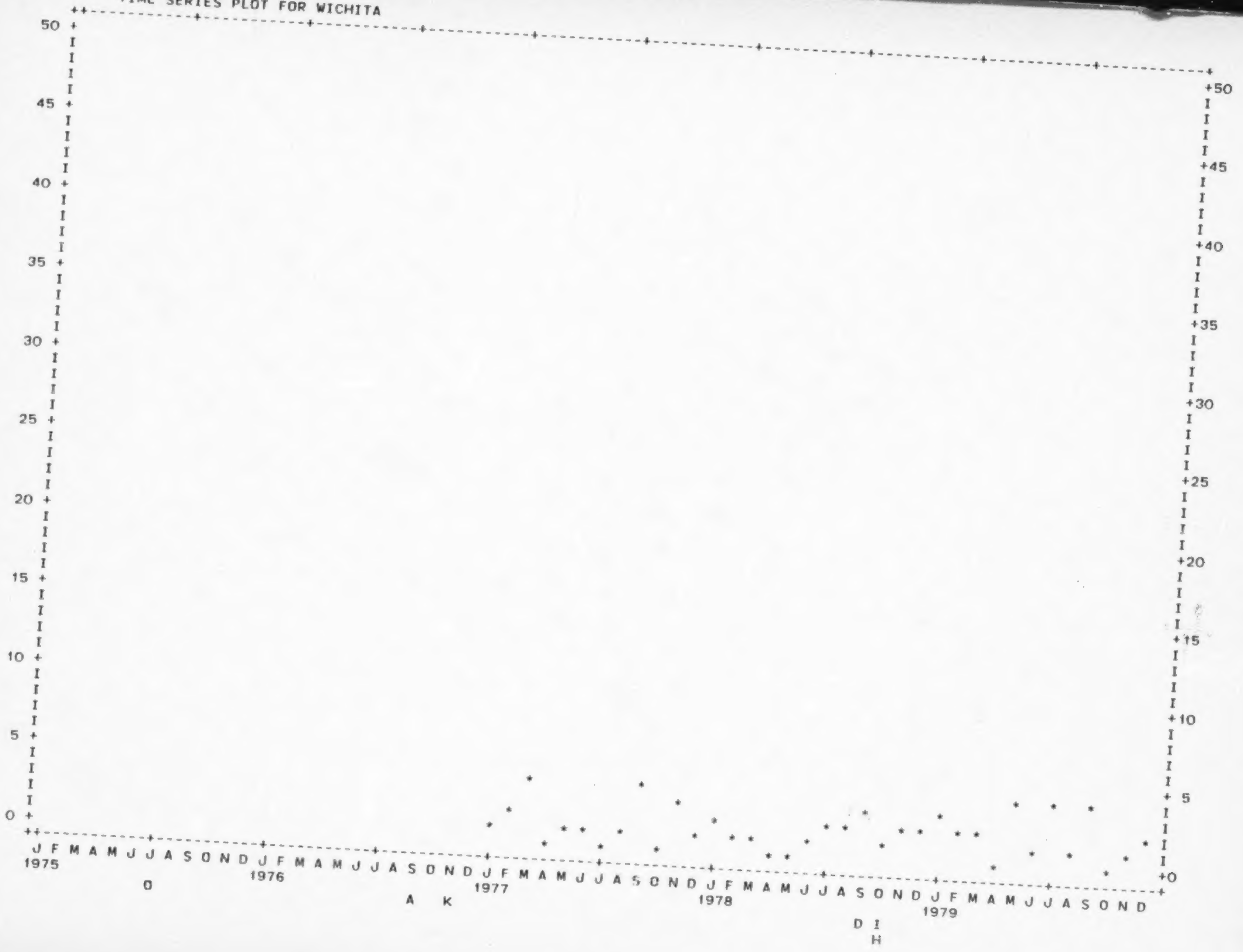
TIME SERIES PLOT FOR TULSA



TIME SERIES PLOT FOR WASHINGTON, D.C.



TIME SERIES PLOT FOR WICHITA



APPENDIX M

POLICY CONTENT ANALYSIS FORM

USE OF DEADLY FORCE BY POLICE

POLICY CONTENT ANALYSIS

Yes	No	NR	
			1. Year and month policy promulgated ____________________
			2. Consists of a "Constitutional Rights" preamble
			3. Consists of a moral, ethical, value of human rights preamble
			4. Details contents of state law
			5. Department policy is more restrictive than state law
			6. D/F permitted in defense of officer's life
			7. D/F permitted in defense of another person's life
			8. D/F permitted to prevent a crime or effect an arrest
			a. Misdemeanants
			b. Felons who have threatened the use of deadly force
			c. Felons who have actually used deadly force
			d. Felons who the police have reasonable grounds to believe present a substantial risk of causing deadly or serious bodily harm to another if the arrest is delayed
			e. Selected "atrocious" or "dangerous" felons
			f. Felons must be known adults
			g. All felons
			9. D/F permitted to prevent escape or recapture escapee from justice
			a. Misdemeanants
			b. Felons who have threatened the use of deadly force
			c. Felons who have actually used deadly force
			d. Felons who the police have reasonable grounds to believe present a substantial risk of causing deadly or serious bodily harm to another if not captured
			e. Selected "atrocious" or "dangerous" felons
			f. Felon must be known adult
			g. All felons
			10. Shots at vehicles permitted
			a. When occupants are using deadly force against the officer or another by means other than the vehicle
			b. When driver is using or threatening to use the vehicle to cause serious bodily harm to officer or another person
			c. When officer has reasonable grounds to believe a substantial risk of death or serious bodily harm exists if stop is not made

NR - This issue is not recorded as part of issued department policy, procedure, or regulation.

Yes	No	NR	
☐	☐	☐	11. Shots from vehicles permitted
☐	☐	☐	a. When officer has reasonable grounds to believe a substantial risk of deadly or serious bodily harm exists if stop is not made
☐	☐	☐	12. Shots to destroy animals permitted
☐	☐	☐	a. When the animal presents a threat of attack on the police officer or other persons
☐	☐	☐	b. When the animal is badly injured that humanity requires its removal from further suffering
☐	☐	☐	13. Warning shots permitted
☐	☐	☐	14. Shots to summon assistance permitted
☐	☐	☐	15. Written report required of all firearm discharges
☐	☐	☐	16. Discharges required to be investigated
☐	☐	☐	a. By line supervisor
☐	☐	☐	b. By line command officer
☐	☐	☐	c. By criminal investigation unit
☐	☐	☐	d. By internal affairs unit
☐	☐	☐	e. Departmental Board of Review is mandatory
☐	☐	☐	f. Departmental Board of Review is optional/available
☐	☐	☐	17. Written report required of deaths/injuries
☐	☐	☐	18. Deaths/injuries required to be investigated
☐	☐	☐	a. By line supervisor
☐	☐	☐	b. By line command officer
☐	☐	☐	c. By criminal investigation unit
☐	☐	☐	d. By internal affairs unit
☐	☐	☐	e. By District Attorney
☐	☐	☐	f. Departmental Board of Review is mandatory
☐	☐	☐	g. Departmental Board of Review is optional/available
☐	☐	☐	19. Department discipline before criminal process completed
			20. After firing (hit) officer placed on
☐	☐	☐	a. Administrative duty
☐	☐	☐	b. Administrative leave
			21. After firing (hit) psychological debrief
☐	☐	☐	a. Mandatory
☐	☐	☐	b. Available on option
			22. After firing (hit) departmental resources made available to officer
☐	☐	☐	a. Legal resources
☐	☐	☐	b. Chaplain
☐	☐	☐	c. Personnel unit

Yes	No	NR	
☐	☐	☐	23. Secondary/back-up weapon permitted on duty
			24. Off-duty weapon
☐	☐	☐	a. Mandatory to carry
☐	☐	☐	b. Optional to carry
☐	☐	☐	c. Specifically prohibited
☐	☐	☐	25. On-duty handgun restricted
☐	☐	☐	a. 38 caliber
☐	☐	☐	b. 357 caliber
☐	☐	☐	c. 41 caliber
☐	☐	☐	d. 44 caliber
☐	☐	☐	e. 45 caliber
☐	☐	☐	f. 9mm caliber
☐	☐	☐	26. On-duty ammunition restricted
☐	☐	☐	a. 38
☐	☐	☐	b. 357
☐	☐	☐	c. Other
			27. Weapons must be registered by model and serial number
☐	☐	☐	a. On-duty
☐	☐	☐	b. Off-duty
☐	☐	☐	c. Back-up
☐	☐	☐	28. Weapons must be registered by ballistics sample
☐	☐	☐	a. On-duty
☐	☐	☐	b. Off-duty
☐	☐	☐	c. Back-up
			29. Weapon must be inspected and certified safe by department arms master
☐	☐	☐	a. On-duty weapon
☐	☐	☐	b. Off-duty weapon
☐	☐	☐	c. Back-up weapon
			30. Officer must be certified/qualified with:
☐	☐	☐	a. On-duty weapon
☐	☐	☐	b. Off-duty weapon
☐	☐	☐	c. Back-up weapon
			31. Deadly force policy document includes:
☐	☐	☐	a. When to shoot directives
☐	☐	☐	b. Shoot - Investigative Directive
☐	☐	☐	c. Shoot - Board of Review Directive
☐	☐	☐	d. Shoot - Firearms Equipment Directive
☐	☐	☐	e. Shoot - Training Directive

APPENDIX N

USE OF DEADLY FORCE POLICY
COMPARATIVE DATA OF POLICY CONTENT
53 U.S. CITIES

Agency	Month and Year Policy Promulgated	Consists of a Constitutional Rights Preamble	Consists of a Moral, Ethical, Value of Human Rights Preamble	Details Contents of State Law	Is More Restrictive than State Law	Policy Includes				
						When to Shoot	Shoot and Investigate	Shoot and Board of Review	Shoot and Equipment	Shoot and Training
Akron	Jun 75	no	no	no	NR	yes	no	yes	yes	no
Albuquerque	Dec 79	no	yes	no	NR	yes	yes	no	yes	yes
Austin	May 80	yes	yes	no	NR	yes	yes	no	no	no
Baltimore	Jul 79	no	yes	no	NR	yes	yes	yes	yes	yes
Birmingham	Jul 80	no	no	no	yes	yes	yes	yes	no	no
Boston	Jul 75	yes	yes	no	yes	yes	yes	yes	no	yes
Buffalo	Mar 78	no	no	yes	no	yes	yes	no	no	no
Charlotte	Mar 78	yes	no	yes	NR	yes	yes	no	no	no
Chicago	Dec 80	no	no	yes	yes	yes	no	no	no	no
Cincinnati	Feb 74	no	yes	yes	yes	yes	yes	no	yes	no
Cleveland	Jan 77	no	yes	no	yes	yes	yes	no	no	no
Columbus	Jul 80	no	yes	no	NR	yes	no	no	no	no
Dallas	NR	no	no	no	yes	yes	no	no	no	no
Denver	Feb 80	no	no	no	NR	yes	yes	no	yes	yes
Detroit	NR	yes	yes	no	NR	yes	yes	no	yes	yes
Fort Worth	Oct 79	yes	no	no	yes	yes	no	no	no	no
Honolulu	Feb 77	no	no	yes	no	yes	yes	no	no	no
Houston	Feb 79	no	no	yes	yes	yes	no	no	yes	no
Indianapolis	May 80	no	yes	no	NR	yes	yes	yes	yes	yes
Jacksonville	Jul 78	no	yes	yes	no	yes	no	yes	yes	no
Kansas City	Jul 78	no	no	no	NR	yes	yes	yes	yes	no
Long Beach	Aug 77	no	no	no	no	yes	no	no	no	no
Los Angeles	Sep 77	yes	yes	yes	NR	yes	no	no	no	no
Louisville	Sep 79	no	no	no	no	yes	no	no	no	no
Memphis	Jul 79	no	no	no	NR	yes	yes	no	no	no
Miami	NR	yes	yes	no	NR	yes	yes	yes	no	no
Minneapolis	NR	no	yes	no	NR	yes	yes	yes	yes	no
Nashville	Jan 77	yes	no	yes	NR	yes	yes	yes	no	yes
Newark	Jun 80	no	no	no	NR	yes	yes	no	no	no
New Orleans	Jun 76	no	no	no	NR	yes	yes	no	no	no
New York	Nov 76	no	no	no	NR	yes	no	no	no	no
Norfolk	Feb 77	no	no	no	NR	yes	no	no	yes	no
Oakland	Jun 75	no	no	yes	yes	yes	no	no	no	no
Oklahoma City	Sep 75	no	yes	no	NR	yes	yes	no	no	no
Omaha	Jul 78	no	no	no	NR	yes	no	no	yes	yes
Philadelphia	Apr 80	no	no	no	NR	yes	yes	yes	no	no
Phoenix	Jul 80	no	no	no	NR	yes	no	yes	yes	yes
Portland	Oct 78	no	no	no	NR	yes	no	no	yes	no
Rochester	Apr 77	no	no	no	NR	yes	yes	no	no	yes
Sacramento	Jan 79	no	no	no	NR	yes	yes	no	no	no
St. Louis	Apr 79	no	no	no	NR	yes	no	no	no	no
St. Paul	NR	no	yes	no	no	yes	no	yes	no	no
San Antonio	Feb 74	no	no	no	NR	yes	no	no	no	no
San Diego	Mar 79	no	yes	no	NR	yes	yes	yes	yes	no
San Francisco	NR 80	no	no	no	NR	yes	yes	yes	no	no
San Jose	Feb 77	no	yes	no	NR	yes	yes	no	no	no
Seattle	NR 79	no	yes	no	NR	yes	no	no	yes	no
Tampa	Feb 80	yes	yes	no	NR	yes	no	no	no	no
Toledo	NR	no	yes	no	NR	yes	yes	yes	yes	no
Tucson	Apr 73	yes	yes	no	NR	yes	yes	yes	yes	yes
Tulsa	Aug 78	no	no	no	NR	yes	no	no	yes	no
Washington	NR	no	no	no	NR	yes	yes	yes	yes	yes
Wichita	NR	no	no	no	NR	yes	yes	yes	no	no

NR = The policy did not respond to or address this issue.

Agency	Deadly Force Permitted in Self Defense	Deadly Force Permitted in Defense of Third Person's Life	Deadly Force Permitted to Prevent Crime or Effect an Arrest						
			Misdemeanants	Felons Threatening Deadly Force	Felons Who Used Deadly Force	Felons Presenting Substantial Risk	Selected Atrocious Felons	Must Be Known Adult Felon	All Felons
Akron	yes	yes	no	yes	yes	yes	yes	no	no
Albuquerque	yes	yes	no	yes	yes	yes	no	no	no
Austin	yes	yes	no	yes	yes	yes	no	no	no
Baltimore	yes	yes	no	yes	yes	yes	yes	no	no
Birmingham	yes	yes	no	yes	yes	yes	no	no	no
Boston	yes	yes	no	yes	yes	yes	no	no	no
Buffalo	yes	yes	no	yes	yes	yes	yes	no	no
Charlotte	yes	yes	no	yes	yes	yes	no	no	no
Chicago	yes	yes	no	yes	yes	yes	yes	no	no
Cincinnati	yes	yes	no	yes	yes	yes	yes	no	no
Cleveland	yes	yes	no	yes	yes	yes	yes	no	no
Columbus	yes	yes	no	yes	yes	yes	yes	no	no
Dallas	NR	NR	NR	NR	NR	NR	NR	NR	NR
Denver	yes	yes	no	yes	yes	yes	no	no	no
Detroit	yes	yes	no	yes	yes	yes	yes	no	no
Fort Worth	yes	yes	no	no	no	yes	no	no	no
Honolulu	yes	yes	no	no	no	yes	no	no	no
Houston	yes	yes	no	yes	yes	yes	no	no	no
Indianapolis	yes	yes	no	yes	yes	yes	yes	no	yes
Jacksonville	yes	yes	no	yes	yes	yes	yes	no	yes
Kansas City	yes	yes	no	yes	yes	yes	yes	no	no
Long Beach	yes	yes	no	no	no	yes	no	no	no
Los Angeles	yes	yes	no	no	no	yes	no	no	no
Louisville	yes	yes	no	yes	no	yes	no	no	no
Memphis	yes	yes	no	yes	yes	yes	yes	no	no
Miami	yes	yes	no	yes	no	yes	no	no	no
Minneapolis	yes	yes	no	yes	yes	yes	no	no	no
Nashville	yes	yes	no	yes	yes	yes	yes	no	no
Newark	yes	yes	no	yes	yes	yes	yes	no	no
New Orleans	yes	yes	no	yes	yes	yes	no	no	no
New York	yes	yes	no	yes	yes	yes	yes	no	no
Norfolk	yes	yes	no	yes	yes	yes	yes	no	no
Oakland	yes	yes	no	yes	yes	yes	no	yes	no
Oklahoma City	yes	yes	no	yes	yes	yes	no	no	no
Omaha	yes	yes	no	yes	yes	yes	no	no	no
Philadelphia	yes	yes	no	yes	yes	yes	yes	no	no
Phoenix	yes	yes	no	yes	yes	yes	no	no	no
Portland	yes	yes	no	yes	yes	yes	yes	no	yes
Rochester	yes	yes	no	yes	yes	yes	yes	no	no
Sacramento	yes	yes	no	yes	yes	yes	no	no	no
St. Louis	yes	yes	no	yes	yes	yes	no	no	no
St. Paul	yes	yes	no	yes	yes	no	no	no	no
San Antonio	yes	yes	no	yes	yes	yes	yes	no	no
San Diego	yes	yes	no	no	no	yes	no	no	no
San Francisco	yes	yes	no	yes	yes	yes	no	no	no
San Jose	yes	yes	no	yes	yes	no	no	no	no
Seattle	yes	yes	no	yes	yes	yes	yes	no	no
Tampa	yes	yes	NR	NR	NR	NR	NR	NR	NR
Toledo	yes	yes	no	yes	yes	yes	no	no	no
Tucson	yes	yes	no	yes	yes	yes	no	no	no
Tulsa	yes	yes	no	yes	yes	yes	yes	no	yes
Washington	NR	NR	NR	NR	NR	NR	NR	NR	NR
Wichita	yes	yes	no	yes	yes	yes	no	no	no

NR = The policy did not respond to or address this issue.

	Deadly Force Permitted to Prevent Escape or Recapture Escapee from Custody						
Agency	Misdemeanants	Felons Threatening Deadly Force	Felons Who Used Deadly Force	Felons Presenting Substantial Risk	Selected Atrocious Felons	Must Be Known Adult Felon	All Felons
Akron	no	yes	yes	yes	yes	no	no
Albuquerque	no	yes	yes	yes	no	no	no
Austin	no	no	no	no	no	no	no
Baltimore	no	yes	yes	yes	yes	no	no
Birmingham	no	yes	yes	yes	no	no	no
Boston	no	yes	yes	yes	no	no	no
Buffalo	no	yes	yes	yes	no	no	no
Charlotte	no	yes	yes	yes	yes	no	no
Chicago	no	yes	yes	yes	yes	no	yes
Cincinnati	no	yes	yes	yes	yes	no	no
Cleveland	no	yes	yes	yes	yes	no	no
Columbus	no	yes	yes	yes	yes	no	no
Dallas	no	no	no	yes	no	no	no
Denver	no	yes	yes	yes	no	no	no
Detroit	no	yes	yes	yes	yes	no	no
Fort Worth	no	no	no	no	no	no	no
Honolulu	no	no	no	yes	no	no	no
Houston	no	yes	yes	yes	no	no	no
Indianapolis	no	yes	yes	yes	yes	no	yes
Jacksonville	no	yes	yes	yes	yes	no	yes
Kansas City	no	yes	yes	yes	yes	no	no
Long Beach	no	no	no	yes	no	no	no
Los Angeles	no	no	no	yes	no	no	no
Louisville	yes	yes	yes	yes	yes	no	yes
Memphis	no	yes	yes	yes	yes	no	no
Miami	no	yes	no	yes	no	no	no
Minneapolis	no	no	no	yes	no	no	no
Nashville	no	yes	yes	yes	yes	no	no
Newark	yes	yes	yes	yes	yes	no	yes
New Orleans	no	yes	yes	yes	no	no	no
New York	no	yes	no	yes	no	no	no
Norfolk	NR	NR	NR	NR	NR	NR	NR
Oakland	no	yes	yes	yes	no	yes	no
Oklahoma City	no	yes	yes	yes	yes	no	yes
Omaha	no	yes	yes	yes	no	no	no
Philadelphia	no	yes	yes	yes	yes	no	no
Phoenix	no	yes	yes	yes	no	no	no
Portland	no	yes	yes	yes	yes	no	yes
Rochester	no	yes	yes	yes	yes	no	no
Sacramento	no	yes	yes	yes	no	no	no
St. Louis	no	yes	yes	yes	no	no	no
St. Paul	no	yes	yes	no	no	no	no
San Antonio	no	yes	no	yes	no	no	no
San Diego	no	no	no	yes	no	no	no
San Francisco	NR	NR	NR	NR	NR	NR	NR
San Jose	no	yes	yes	no	no	no	no
Seattle	no	yes	yes	yes	yes	no	yes
Tampa	NR	NR	NR	NR	NR	NR	NR
Toledo	no	yes	yes	yes	no	no	no
Tucson	no	yes	yes	yes	no	no	no
Tulsa	no	yes	yes	yes	yes	no	yes
Washington	NR	NR	NR	NR	NR	NR	NR
Wichita	no	yes	yes	no	no	no	no

NR = The policy did not respond to or address this issue.

Agency	Shots at Vehicles Permitted				Shots from Vehicles Permitted		
		When Occupants Are Using Deadly Force	When Vehicle Being Used As the Force	When Substantial Risk is Apparent		When Occupants Are Using Deadly Force	When Substantial Risk is Apparent
Akron	yes	yes	yes	yes	yes	yes	yes
Albuquerque	yes	yes	no	yes	yes	yes	no
Austin	yes	yes	no	yes	yes	yes	yes
Baltimore	NR	NR	NR	NR	NR	NR	NR
Birmingham	yes	yes	yes	yes	yes	yes	yes
Boston	yes	yes	no	no	yes	yes	no
Buffalo	yes	yes	yes	yes	yes	yes	yes
Charlotte	yes	yes	yes	yes	no	no	no
Chicago	yes	yes	yes	yes	yes	yes	yes
Cincinnati	yes	yes	no	no	yes	yes	no
Cleveland	yes	yes	yes	no	yes	yes	no
Columbus	yes	yes	no	no	yes	yes	no
Dallas	yes	yes	no	no	NR	NR	NR
Denver	yes	yes	yes	yes	yes	yes	yes
Detroit	NR	NR	NR	NR	NR	NR	NR
Fort Worth	no	no	no	no	no	no	no
Honolulu	NR	NR	NR	NR	NR	NR	NR
Houston	yes	yes	yes	yes	yes	yes	yes
Indianapolis	yes	yes	yes	yes	yes	yes	yes
Jacksonville	NR	NR	NR	NR	NR	NR	NR
Kansas City	yes	yes	no	no	yes	yes	no
Long Beach	yes	yes	yes	yes	NR	NR	NR
Los Angeles	yes	NR	NR	NR	yes	NR	NR
Louisville	yes	yes	no	no	yes	yes	no
Memphis	yes	yes	yes	yes	yes	yes	yes
Miami	yes	yes	yes	yes	yes	yes	yes
Minneapolis	NR	NR	NR	NR	NR	NR	NR
Nashville	yes	yes	yes	yes	yes	yes	yes
Newark	NR	NR	NR	NR	NR	NR	NR
New Orleans	NR	NR	NR	NR	NR	NR	NR
New York	yes	yes	yes	yes	yes	yes	yes
Norfolk	NR	NR	NR	NR	NR	NR	NR
Oakland	yes	yes	no	no	yes	yes	no
Oklahoma City	yes	NR	NR	NR	yes	NR	NR
Omaha	yes	yes	yes	yes	yes	yes	yes
Philadelphia	NR	NR	NR	NR	NR	NR	NR
Phoenix	NR	NR	NR	NR	NR	NR	NR
Portland	NR	NR	NR	NR	NR	NR	NR
Rochester	yes	yes	yes	yes	yes	yes	yes
Sacramento	yes	NR	NR	NR	yes	NR	NR
St. Louis	yes	yes	yes	yes	no	no	no
St. Paul	yes	yes	yes	yes	no	no	no
San Antonio	NR	NR	NR	NR	NR	NR	NR
San Diego	yes	NR	NR	NR	yes	NR	NR
San Francisco	yes	yes	yes	yes	yes	yes	yes
San Jose	yes	yes	no	no	yes	yes	no
Seattle	NR	NR	NR	NR	NR	NR	NR
Tampa	NR	NR	NR	NR	NR	NR	NR
Toledo	yes	yes	yes	yes	yes	yes	yes
Tucson	yes	yes	no	no	no	no	no
Tulsa	yes	yes	yes	yes	yes	yes	yes
Washington	NR	NR	NR	NR	NR	NR	NR
Wichita	yes	yes	no	no	yes	yes	no

NR = The policy did not respond to or address this issue.

	Warning Shots Permitted	Shots to Summon Assistance Permitted	Shots to Destroy Animals Permitted		
Agency				When Animal is a Threat	When Animal is Badly Injured
Akron	no	NR	yes	yes	yes
Albuquerque	yes	yes	yes	yes	yes
Austin	no	no	NR	NR	NR
Baltimore	no	yes	NR	NR	NR
Birmingham	no	yes	yes	NR	NR
Boston	no	no	yes	yes	yes
Buffalo	no	yes	yes	yes	yes
Charlotte	yes	yes	NR	NR	NR
Chicago	yes	NR	NR	NR	NR
Cincinnati	NR	NR	yes	NR	NR
Cleveland	yes	NR	NR	NR	NR
Columbus	no	no	yes	yes	yes
Dallas	no	no	yes	yes	yes
Denver	no	no	yes	yes	yes
Detroit	no	no	NR	NR	NR
Fort Worth	no	NR	yes	yes	yes
Honolulu	no	no	yes	yes	yes
Houston	no	no	NR	NR	NR
Indianapolis	no	no	yes	yes	no
Jacksonville	NR	NR	NR	NR	NR
Kansas City	no	no	yes	NR	NR
Long Beach	no	yes	yes	yes	yes
Los Angeles	yes	NR	NR	NR	NR
Louisville	no	no	yes	yes	yes
Memphis	no	NR	yes	yes	yes
Miami	no	NR	NR	NR	NR
Minneapolis	no	no	NR	NR	NR
Nashville	yes	no	yes	yes	yes
Newark	no	no	NR	NR	NR
New Orleans	no	NR	NR	NR	NR
New York	yes	yes	yes	yes	yes
Norfolk	NR	NR	yes	NR	NR
Oakland	no	NR	yes	yes	yes
Oklahoma City	no	no	yes	yes	yes
Omaha	yes	yes	yes	yes	yes
Philadelphia	NR	NR	NR	NR	NR
Phoenix	no	NR	yes	yes	yes
Portland	no	NR	yes	yes	yes
Rochester	no	no	yes	yes	yes
Sacramento	no	NR	NR	NR	NR
St. Louis	no	no	yes	yes	yes
St. Paul	yes	NR	yes	yes	yes
San Antonio	no	NR	NR	NR	NR
San Diego	yes	yes	NR	NR	NR
San Francisco	no	yes	yes	yes	yes
San Jose	yes	yes	yes	yes	yes
Seattle	no	NR	yes	yes	yes
Tampa	NR	NR	NR	NR	NR
Toledo	no	NR	yes	yes	NR
Tucson	no	NR	yes	yes	yes
Tulsa	no	NR	yes	yes	yes
Washington	NR	NR	NR	NR	NR
Wichita	no	NR	yes	yes	yes

NR = The policy did not respond to or address this issue.

Agency	Written Report Required of All Firearm Discharges	Discharges Required to be Investigated						
			By Line Supervisor	By Line Command Officer	By Criminal Investigation Unit	By Internal Affairs Unit	Mandatory Board of Review	Optional Board of Review
Akron	yes	yes	NR	NR	NR	NR	yes	no
Albuquerque	yes	yes	no	yes	no	yes	no	no
Austin	yes	yes	yes	yes	no	yes	no	no
Baltimore	yes	yes	no	yes	no	yes	NR	NR
Birmingham	yes	yes	no	no	no	no	yes	no
Boston	yes	yes	yes	yes	no	no	yes	no
Buffalo	yes	yes	yes	yes	NR	NR	NR	NR
Charlotte	yes	yes	yes	NR	NR	NR	no	yes
Chicago	NR	NR	NR	NR	NR	NR	NR	NR
Cincinnati	yes	yes	NR	NR	NR	NR	NR	NR
Cleveland	yes	yes	yes	yes	NR	NR	NR	NR
Columbus	yes	yes	yes	yes	no	no	yes	no
Dallas	yes	yes	yes	NR	no	no	no	yes
Denver	yes	yes	yes	no	no	no	NR	NR
Detroit	yes	yes	yes	no	no	no	no	yes
Fort Worth	yes	yes	no	yes	no	yes	no	no
Honolulu	yes	NR	NR	NR	NR	NR	NR	NR
Houston	yes	yes	yes	no	no	yes	no	no
Indianapolis	yes	yes	yes	no	yes	no	yes	no
Jacksonville	yes	yes	yes	yes	no	no	yes	no
Kansas City	yes	yes	yes	yes	no	yes	yes	no
Long Beach	yes	yes	yes	no	no	no	yes	no
Los Angeles	yes	yes	yes	NR	no	no	yes	no
Louisville	yes	yes	yes	NR	NR	NR	NR	NR
Memphis	yes	yes	yes	yes	yes	no	no	no
Miami	yes	yes	yes	yes	no	yes	yes	no
Minneapolis	yes	yes	no	no	no	no	yes	no
Nashville	yes	yes	NR	NR	NR	NR	yes	no
Newark	yes	yes	yes	yes	no	no	no	no
New Orleans	yes	yes	yes	yes	no	yes	yes	no
New York	yes	yes	yes	yes	no	no	yes	no
Norfolk	yes	NR	NR	NR	NR	NR	NR	NR
Oakland	yes	yes	yes	yes	no	no	no	no
Oklahoma City	yes	no	no	no	no	no	no	no
Omaha	NR	NR	NR	NR	NR	NR	NR	NR
Philadelphia	yes	yes	no	no	yes	no	yes	no
Phoenix	yes	yes	no	no	no	no	no	yes
Portland	yes	yes	yes	yes	no	yes	no	no
Rochester	yes	yes	yes	no	no	yes	no	no
Sacramento	yes	yes	yes	yes	no	no	no	no
St. Louis	yes	yes	yes	yes	no	no	no	no
St. Paul	yes	yes	NR	NR	NR	NR	yes	no
San Antonio	NR	NR	NR	NR	NR	NR	NR	NR
San Diego	yes	yes	yes	yes	no	yes	no	yes
San Francisco	yes	yes	yes	yes	no	no	yes	no
San Jose	yes	yes	yes	yes	no	no	no	no
Seattle	yes	yes	yes	yes	no	no	no	yes
Tampa	NR	yes	NR	yes	NR	NR	no	yes
Toledo	yes	yes	yes	yes	no	no	yes	no
Tucson	yes	yes	yes	yes	no	no	yes	no
Tulsa	yes	NR	NR	NR	NR	NR	NR	NR
Washington	yes	yes	no	yes	yes	no	no	yes
Wichita	yes	yes	yes	no	no	yes	no	yes

NR = The policy did not respond to or address this issue.

	Written Report Required of All Discharges Resulting in Death or Injury								Discipline Permitted Before Criminal Process Completed
		Deaths or Injury Require Investigation							
Agency		By Line Supervisor	By Line Command Officer	By Criminal Investigation Unit	By Internal Affairs Unit	By District Attorney Office	Mandatory Board of Review	Optional Board of Review	
Akron	yes	NR	NR	NR	NR	NR	yes	no	NR
Albuquerque	yes	no	no	no	yes	NR	NR	NR	NR
Austin	yes	no	no	no	yes	no	no	yes	NR
Baltimore	yes	yes	NR	yes	yes	no	no	yes	NR
Birmingham	yes	yes	yes	yes	yes	no	yes	no	NR
Boston	yes	yes	yes	no	yes	NR	yes	no	NR
Buffalo	yes	yes	NR	NR	NR	NR	NR	NR	NR
Charlotte	yes	yes	NR	NR	NR	NR	no	yes	NR
Chicago	NR	NR	NR	NR	NR	NR	NR	NR	NR
Cincinnati	yes	yes	NR	yes	no	NR	no	yes	NR
Cleveland	yes	yes	NR	NR	NR	NR	NR	NR	NR
Columbus	yes	yes	NR	yes	no	NR	yes	no	NR
Dallas	yes	no	no	yes	yes	NR	no	yes	NR
Denver	yes	yes	NR	yes	no	yes	NR	NR	NR
Detroit	yes	yes	yes	yes	no	NR	no	yes	NR
Fort Worth	yes	no	no	no	yes	no	no	no	NR
Honolulu	yes	no	no	yes	no	yes	NR	NR	NR
Houston	yes	no	no	yes	yes	no	NR	NR	NR
Indianapolis	yes	yes	yes	yes	yes	no	yes	no	yes
Jacksonville	yes	yes	no	no	no	no	yes	no	NR
Kansas City	yes	yes	yes	yes	yes	yes	yes	no	no
Long Beach	yes	yes	yes	yes	no	yes	yes	no	NR
Los Angeles	yes	no	NR	yes	no	yes	yes	no	NR
Louisville	yes	yes	NR	NR	NR	NR	NR	NR	NR
Memphis	yes	yes	yes	yes	no	no	no	no	NR
Miami	yes	yes	yes	yes	yes	NR	yes	no	NR
Minneapolis	yes	no	no	no	no	NR	yes	no	NR
Nashville	yes	NR	NR	NR	NR	NR	yes	no	NR
Newark	yes	yes	yes	yes	yes	NR	NR	NR	NR
New Orleans	yes	yes	NR	yes	yes	NR	yes	no	NR
New York	yes	yes	NR	NR	NR	NR	yes	no	NR
Norfolk	yes	no	no	yes	no	yes	no	no	NR
Oakland	yes	yes	NR	no	no	no	yes	no	NR
Oklahoma City	yes	yes	NR	yes	no	no	yes	no	NR
Omaha	NR	NR	NR	NR	NR	NR	NR	NR	NR
Philadelphia	yes	yes	yes	yes	yes	NR	yes	no	NR
Phoenix	yes	no	no	yes	no	no	no	yes	NR
Portland	yes	yes	yes	yes	yes	no	no	no	NR
Rochester	yes	yes	yes	no	yes	no	no	no	NR
Sacramento	yes	yes	yes	yes	yes	no	no	no	NR
St. Louis	yes	yes	NR	NR	NR	NR	NR	NR	NR
St. Paul	yes	NR	NR	NR	NR	NR	yes	no	NR
San Antonio	NR	NR	NR	NR	NR	NR	NR	NR	NR
San Diego	yes	yes	yes	yes	yes	no	no	yes	no
San Francisco	yes	yes	yes	no	no	no	yes	no	NR
San Jose	yes	yes	yes	yes	yes	yes	no	yes	NR
Seattle	yes	yes	yes	yes	no	NR	no	yes	NR
Tampa	NR	NR	NR	NR	NR	NR	no	yes	NR
Toledo	yes	yes	yes	no	no	no	yes	no	NR
Tucson	yes	yes	yes	no	no	no	yes	no	NR
Tulsa	yes	NR	NR	NR	NR	NR	NR	NR	NR
Washington	yes	yes	yes	yes	no	no	no	yes	NR
Wichita	yes	no	no	yes	yes	NR	no	yes	NR

NR = The policy did not respond to or address this issue.

Agency	On-Duty Handgun Restricted						On-Duty Ammunition Restricted				Back-Up Weapon Permitted			
												Off-Duty Weapon		
		38	357	41	45	9mm		38	357	Other		Mandatory	Optional	Prohibited
Akron	yes	yes	no	no	no	no	yes	yes	no	no	NR	yes	no	no
Albuquerque	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	NR	no	yes	no
Austin	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
Baltimore	yes	yes	no	no	no	no	yes	yes	no	no	NR	yes	no	no
Birmingham	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	yes	no
Boston	yes	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
Buffalo	yes	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	no	yes	no
Charlotte	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	yes	no	yes	no
Chicago	yes	yes	no	no	no	no	yes	yes	no	no	NR	NR	NR	NR
Cincinnati	yes	yes	no	no	no	no	yes	yes	no	no	yes	yes	no	no
Cleveland	yes	yes	yes	no	no	no	yes	yes	no	no	yes	no	yes	no
Columbus	yes	yes	no	no	no	no	yes	yes	no	no	yes	no	yes	no
Dallas	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
Denver	yes	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
Detroit	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	NR	yes	no	no
Fort Worth	yes	yes	yes	no	no	no	yes	yes	yes	no	yes	no	yes	no
Honolulu	yes	yes	no	no	no	no	yes	yes	no	no	yes	yes	no	no
Houston	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	no
Indianapolis	yes	yes	yes	no	no	no	yes	yes	yes	no	yes	no	yes	no
Jacksonville	yes	yes	yes	no	no	no	yes	yes	yes	no	yes	no	yes	no
Kansas City	yes	yes	no	no	no	no	yes	yes	no	no	NR	no	yes	no
Long Beach	yes	yes	yes	no	yes	yes	yes	yes	yes	yes	yes	NR	NR	NR
Los Angeles	yes	yes	no	no	no	no	yes	yes	no	no	yes	no	yes	no
Louisville	yes	yes	yes	yes	yes	yes	NR	NR	NR	NR	yes	NR	NR	NR
Memphis	yes	yes	no	no	no	no	yes	NR	NR	NR	NR	no	yes	no
Miami	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
Minneapolis	yes	yes	no	no	no	no	yes	yes	no	no	yes	no	yes	no
Nashville	yes	yes	no	no	no	no	yes	yes	no	no	NR	no	yes	no
Newark	yes	yes	no	no	no	no	yes	yes	no	no	NR	yes	no	no
New Orleans	yes	yes	yes	no	yes	yes	yes	yes	yes	yes	NR	no	yes	no
New York	yes	yes	no	no	no	no	yes	yes	no	no	yes	yes	no	no
Norfolk	yes	yes	no	no	no	no	yes	yes	no	no	no	NR	NR	NR
Oakland	yes	yes	yes	no	no	no	yes	yes	yes	no	NR	NR	NR	NR
Oklahoma City	yes	yes	yes	no	no	no	yes	yes	yes	no	yes	NR	NR	NR
Omaha	yes	yes	no	no	no	no	yes	yes	no	no	NR	yes	yes	no
Philadelphia	yes	yes	no	no	no	no	yes	yes	no	no	NR	no	yes	no
Phoenix	yes	yes	yes	no	no	no	yes	yes	no	no	yes	NR	NR	NR
Portland	yes	yes	yes	no	no	no	yes	yes	no	no	NR	no	yes	no
Rochester	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	no	yes	no
Sacramento	yes	yes	yes	no	no	no	yes	yes	yes	no	yes	no	yes	no
St. Louis	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
St. Paul	yes	yes	yes	no	no	no	yes	yes	yes	no	NR	NR	NR	NR
San Antonio	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	NR	yes	no	no
San Diego	yes	yes	no	no	no	yes	yes	yes	no	yes	yes	NR	NR	NR
San Francisco	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
San Jose	yes	yes	no	yes	no	no	yes	yes	no	yes	NR	no	yes	no
Seattle	yes	yes	yes	no	no	no	yes	yes	yes	no	yes	yes	no	no
Tampa	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
Toledo	yes	yes	no	no	no	no	yes	yes	no	no	NR	yes	no	no
Tucson	yes	yes	no	no	no	no	yes	yes	no	no	yes	yes	no	no
Tulsa	yes	yes	no	no	no	no	yes	yes	no	no	NR	NR	NR	NR
Washington	yes	yes	no	no	no	no	yes	yes	no	no	yes	yes	no	no
Wichita	yes	yes	yes	yes	yes	no	yes	yes	yes	yes	NR	yes	no	no

NR = The policy did not respond to or address this issue.

	Weapon Must Be Registered By Model & Serial No.			Weapon Must Be Registered By Ballistics Sample			Weapon Must Be Inspected and Certified Safe			Officer Must Be Certified/Qualified At Least Annually		
Agency	On-Duty Weapon	Off-Duty Weapon	Back-Up Weapon	On-Duty Weapon	Off-Duty Weapon	Back-Up Weapon	On-Duty Weapon	Off-Duty Weapon	Back-Up Weapon	On-Duty Weapon	Off-Duty Weapon	Back-Up Weapon
Akron	yes	yes	yes	no	no	no	NR	NR	NR	NR	NR	NR
Albuquerque	no	no	no	no	no	no	yes	no	no	yes	no	no
Austin	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
Baltimore	yes	NR	NR	no	NR	NR	yes	yes	NR	yes	NR	NR
Birmingham	yes	no	no	no	no	no	yes	no	yes	yes	no	yes
Boston	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
Buffalo	yes	yes	NR	no	no	NR	NR	NR	NR	NR	NR	NR
Charlotte	NR	NR	NR	NR	NR	NR	NR	NR	NR	yes	NR	NR
Chicago	NR	NR	NR	NR	NR	NR	NR	NR	NR	yes	NR	NR
Cincinnati	NR	NR	NR	NR	NR	NR	yes	NR	NR	yes	NR	NR
Cleveland	NR	NR	NR	NR	NR	NR	yes	NR	NR	yes	NR	NR
Columbus	yes	yes	yes	no	no	no	yes	yes	yes	yes	yes	yes
Dallas	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
Denver	yes	no	no	no	no	no	yes	no	no	yes	no	no
Detroit	yes	no	no	no	no	no	yes	no	no	yes	no	no
Fort Worth	yes	no	no	no	no	no	yes	no	no	yes	yes	yes
Honolulu	yes	yes	yes	no	no	no	yes	yes	NR	yes	yes	yes
Houston	yes	yes	yes	no	no	no	yes	NR	yes	NR	NR	NR
Indianapolis	yes	no	yes	no	no	no	NR	NR	NR	yes	no	no
Jacksonville	yes	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
Kansas City	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
Long Beach	no	no	no	no	no	no	yes	NR	yes	yes	NR	yes
Los Angeles	yes	NR	NR	NR	NR	NR	yes	yes	yes	NR	NR	NR
Louisville	NR	NR	NR	NR	NR	NR	yes	yes	yes	NR	NR	NR
Memphis	yes	yes	yes	no	no	no	yes	yes	yes	yes	yes	yes
Miami	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
Minneapolis	yes	NR	yes	NR	NR	NR	yes	no	yes	NR	NR	NR
Nashville	yes	yes	NR	no	no	no	yes	yes	NR	yes	yes	NR
Newark	NR	NR	NR	NR	NR	NR	NR	yes	NR	yes	yes	NR
New Orleans	yes	yes	NR	NR	NR	NR	no	no	no	NR	NR	NR
New York	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
Norfolk	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
Oakland	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
Oklahoma City	NR	NR	NR	NR	NR	NR	NR	NR	NR	yes	yes	yes
Omaha	NR	NR	NR	NR	NR	NR	NR	NR	NR	yes	NR	NR
Philadelphia	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
Phoenix	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
Portland	NR	yes	NR	no	no	no	yes	yes	NR	yes	yes	NR
Rochester	NR	NR	NR	NR	NR	NR	NR	NR	NR	yes	yes	NR
Sacramento	yes	yes	yes	no	no	no	NR	NR	NR	yes	yes	yes
St. Louis	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
St. Paul	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
San Antonio	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
San Diego	NR	NR	NR	NR	NR	NR	yes	no	yes	yes	no	yes
San Francisco	yes	NR	NR	no	no	no	NR	NR	NR	NR	NR	NR
San Jose	yes	yes	yes	NR	NR	NR	NR	NR	NR	yes	no	no
Seattle	yes	NR	yes	NR	NR	NR	yes	NR	yes	yes	NR	yes
Tampa	yes	no	no	NR	NR	NR	yes	no	no	yes	no	no
Toledo	NR	yes	NR	NR	NR	NR	NR	yes	NR	NR	yes	NR
Tucson	yes	yes	yes	no	no	no	yes	yes	yes	yes	yes	yes
Tulsa	NR	NR	NR	NR	NR	NR	no	yes	yes	NR	NR	NR
Washington	no	yes	no	NR	NR	NR	NR	NR	NR	yes	yes	yes
Wichita	yes	yes	yes	NR	NR	NR	NR	yes	yes	NR	yes	yes

NR = The policy did not respond to or address this issue.

	After Firing (Hit) Officer Placed On:		After Firing (Hit) Psychological Debrief:		After Firing (Hit) Department Resources Made Available to Officer:		
Agency	Administrative Duty	Administrative Leave	Mandatory	Optional	Legal	Chaplain	Personnel Unit
Akron	yes	no	NR	NR	NR	NR	NR
Albuquerque	NR	NR	NR	NR	NR	NR	NR
Austin	yes	no	yes	no	NR	NR	NR
Baltimore	NR	NR	NR	NR	NR	NR	NR
Birmingham	NR	NR	NR	NR	NR	NR	NR
Boston	NR	NR	NR	NR	NR	NR	NR
Buffalo	NR	NR	NR	NR	NR	NR	NR
Charlotte	NR	NR	NR	NR	NR	NR	NR
Chicago	NR	NR	no	yes	NR	NR	NR
Cincinnati	NR	NR	NR	NR	NR	NR	NR
Cleveland	NR	NR	NR	NR	NR	NR	NR
Columbus	NR	NR	NR	NR	NR	NR	NR
Dallas	NR	NR	NR	NR	NR	NR	NR
Denver	NR	NR	NR	NR	no	NR	NR
Detroit	NR	NR	NR	NR	NR	NR	NR
Fort Worth	NR	NR	NR	NR	NR	NR	NR
Honolulu	yes	no	NR	NR	NR	NR	NR
Houston	NR	NR	NR	NR	NR	NR	NR
Indianapolis	NR	NR	NR	NR	NR	NR	NR
Jacksonville	NR	NR	NR	NR	NR	NR	NR
Kansas City	no	yes	yes	no	no	NR	NR
Long Beach	yes	no	yes	no	NR	NR	NR
Los Angeles	NR	NR	NR	NR	NR	NR	NR
Louisville	NR	NR	NR	NR	NR	NR	NR
Memphis	NR	NR	NR	NR	NR	NR	NR
Miami	NR	NR	NR	NR	NR	NR	NR
Minneapolis	NR	NR	NR	NR	NR	NR	NR
Nashville	NR	NR	NR	NR	NR	NR	NR
Newark	NR	NR	NR	NR	NR	NR	NR
New Orleans	NR	NR	NR	NR	NR	NR	NR
New York	NR	NR	NR	NR	NR	NR	NR
Norfolk	NR	NR	NR	NR	NR	NR	NR
Oakland	NR	NR	NR	NR	NR	NR	NR
Oklahoma City	yes	no	NR	NR	NR	NR	NR
Omaha	NR	NR	NR	NR	NR	NR	NR
Philadelphia	NR	NR	NR	NR	NR	NR	NR
Phoenix	NR	NR	NR	NR	NR	NR	NR
Portland	yes	yes	no	yes	NR	yes	NR
Rochester	NR	NR	NR	NR	NR	NR	NR
Sacramento	NR	NR	NR	NR	NR	NR	NR
St. Louis	NR	NR	NR	NR	NR	NR	NR
St. Paul	NR	NR	NR	NR	NR	NR	NR
San Antonio	NR	NR	NR	NR	NR	NR	NR
San Diego	yes	no	NR	NR	NR	NR	NR
San Francisco	yes	no	NR	NR	NR	NR	NR
San Jose	no	yes	NR	NR	NR	NR	NR
Seattle	NR	NR	NR	NR	NR	NR	NR
Tampa	NR	NR	NR	NR	NR	NR	NR
Toledo	NR	NR	NR	NR	NR	NR	NR
Tucson	NR	NR	yes	no	NR	NR	NR
Tulsa	NR	NR	NR	NR	NR	NR	NR
Washington	no	yes	NR	NR	NR	NR	NR
Wichita	NR	NR	NR	NR	NR	NR	NR

NR = The policy did not respond to or address this issue.

APPENDIX O

A SYNOPSIS OF
DEADLY FORCE LAW
BY STATE

A SYNOPSIS OF
DEADLY FORCE LAW
BY STATE

The respective state "deadly force" laws which are included in this appendix were compiled over a several-year period. Deadly force laws in the various states have been changing daily in an effort to keep pace with court rulings and other societal demands. While every effort has been made to keep current, it is entirely possible that some of the laws have been modified since our review. Therefore, we urge the serious legal researcher to use our review of the state laws as only a starting point for legal review.

ALABAMA

Alabama has no statutory law dealing with police use of deadly force. Therefore, case law that has been reported provides evidence of the state of the law in this area. It seems evident that case law in Alabama follows rather closely the well-recognized common law rules.

Courts in every state have attempted to balance the prerogatives of the public officer with the rights of private citizens. Early Alabama court decisions refrained from placing limitations upon officers in the performance of their duties [*Tarwater v. State*, 75 So. 816, 16 Ala. App. 140 (1917)]. The officer would generally be justified in exercising force necessary to accomplish his purpose [*Clements v. State*, 50 Ala. 117 (1874)]. In dealing with offenders, however, the Alabama courts have given the officer no privileges which the citizen does not enjoy. The rights and powers of the citizen in arresting a criminal are identical to those of the officer [*Suell v. Derricott*, 49 So. 895, 161 Ala. 259 (1909) and *Beard v. Stephens*, 372 F.2d 685 (5th Cir. 1967)]. Following the common law, the citizen and officer are entitled to the same protection in making felony arrests (*Burnell v. State*, 139 So.435, 24 Ala. App. 588 (1932)].

Alabama case law has essentially restated the common law felony-misdemeanor distinction. The officer may, if necessary, kill fleeing or resisting felons, provided they cannot otherwise be taken [*Union Indemnity Co. v. Webster*, 118 So. 794, 218 Ala. 468 (1928)]. This rule builds upon the notion that the escaping felon has already forfeited his right to life and in the case of resistance, force may be met with like force [*Storey v. State*, 71 Ala. 329 (1882)]. The officer may justifiably kill the felon to prevent his escape *after arrest, or before arrest* where no other means exist to apprehend. If other means did exist, such a killing would be manslaughter [*Suell v. Derricott*, 49 So. 895, 161 Ala. 259 (1909)].

The rule regarding the use of force against misdemeanants stands in marked contrast to the felony rule. An officer has no legal right to shoot a fleeing misdemeanant [*Green v. State*, 189 So. 763, 238 Ala. 143 (1939)]. In effecting an arrest, the officer may only kill the misdemeanant in self-defense [*Holland v. State*, 50 So. 215, 162 Ala. 5 (1909)]. These rules are applicable to situations where the misdemeanant cannot otherwise be taken with less than deadly force [*Holcomb v. State*, 35 Ala. App. 528, 50 So.2d 165 (1951)].

More recently, Judge Frank Johnson stated that the use of weapons is unjustified in attempting arrest for a misdemeanor where resistance is not violent [Shine v. State, 44 Ala. App. 171, 204 So.2d 817 (1967)].

The rule which limits the use of force against misdemeanants [Livingston v. Browder, 285 So.2d 923, 51 Ala. App. 366 (1973)], has been reflected in situations where the officer investigates criminal activity. An officer has no right to shoot one who flees from him when he attempts to search for liquor [Cobb v. State 97 So. 779, 19 Ala. App. 345 (1923)]. Lacking a warrant, he had no right to shoot at the driver of a car when it refused to halt [Jackson v. State, 114 So. 68, 22 Ala. App. 133 (1927)]. Also, a mere attitude of defiance or preparation for resistance on the part of the arrestee will not justify the killing of the arrestee [Clements v. State, 50 Ala. 171 (1874)].

What procedures are judicially mandated when the officer justifiably uses deadly force? First, the officer must inform the accused of his authority and the cause of arrest [Suell v. Derricott, 49 So. 895, 161 Ala. 259 (1909)]. Once the requisites for a lawful arrest are met, the officer may use deadly force in response to an overt act evidencing an intent to immediately use a deadly weapon, against the officer or a third person. The arrestee's act must create in the mind of a reasonable man (as well as the officer's) a belief that the offender was about to use the weapon. In this case, the officer would be justified in shooting first [Hammond v. State, 41 So. 761, 147 Ala. 79 (1906)].

Conclusion: Alabama law on police use of deadly force is expressed in the decisional law. The past 100 years have witnessed the explication of common law standards in judicial opinion. Although the law has evolved, it has not in any way modified or significantly altered the common law rules.

ARIZONA

The law in Arizona adopted in the code of 1939 (43-2908) and restated in the revised statutes of 1956 allows a police officer to use deadly force to arrest any felony suspect [Sec. 13-461-2(c)]. Literally construed, the statute permits an officer to use deadly force only against escapees who are felons in fact. Thus, the standards for escape are more restrictive than those for arrest. This statute has remained in full force through the regular session of the Thirty-Third legislature (1977 Supplement to Arizona Ann. Stat.).

Case law that construes these general statutory provisions gives support to the common law felony-misdemeanor rule. However, the courts have gone further to define proper evidentiary standards. For example, the existence of reasonable cause to believe that a suspected felon has actually committed a felony is mandated if the police homicide is to be justified [Wiley v. State, 19 Ariz. 346 (1918)]. The defendant bears the burden of showing that overt elements of a felony were actually present.

Under the common law, misdemeanants could not be killed solely for the purpose of effecting arrest. Arizona case law states that, absent a plea of self-defense, the police officer cannot kill the misdemeanant solely to effect an arrest [Robertson v. Territory, 13 Ariz. 10, 108 (1910)].

Conclusion: Arizona has attempted to codify the common law rule relating to police homicide. However, it allows the officer more discretion in using deadly force during arrest than escape. The law has not changed significantly during the period 1949-1976.

ARKANSAS

The law in Arkansas states that a police officer may justifiably use deadly force against any person he reasonably suspects to have committed a felony [Arkansas Statutes Annotated Section 41-510 2(a) (1947)]. Deadly force may also be used to prevent the escape of a felon already in custody, when the officer reasonably believes this course of action necessary. Subsection 2(b) provides that an officer may use deadly force in defending himself or another, regardless of the crime for which a person might be charged. It would seem difficult, however, to judge ex post facto the amount of danger posed by a suspect in determining the necessity of deadly force. An expansive reading of subsection 2(b) could view any movement on the part of a suspect as threatening, and thus necessitating the "protective" use of deadly force.

Case law, however, attempts to maintain the "felony-misdemeanor" distinctions relating to the use of deadly force. An officer can kill to prevent the escape of a felon [Cavaness v. State, 43 Ark. 331 (1884)]. However, an officer cannot kill to prevent the escape of one guilty of a misdemeanor [Thomas v. Kinkhead, 55 Ark. 502 (1892)]. With arrest, case law does not enunciate the felony-misdemeanor rule, preferring to state that no unnecessary force or violence should be used [Edgin v. Talley, 169 Ark. 662, 276 S.W. 591 (1925); Gillespie v. State, 69 Ark. 573, 64 S.W. 947 (1901)]. Deatherage v. State, 194 Ark. 513 (1937), attempts to create a symmetrical relationship between the standard forbidding deadly force against the escaping misdemeanant and arrest standards for misdemeanants, but fails to forbid deadly force where perceived harm to the officer is present. The courts offer one further caution; namely, that in dealing with the officer's attempt to avert the necessity of using deadly force, they demand that the officer must have acted with due care and circumspection [Deatherage v. State, supra.]

By 1976, the Arkansas law concerning justifiable homicide by police officers had been revised but not amended. Section 41-510(1) concurs with earlier Arkansas law and Section 41-510(2) attempts to restate elements of Arkansas common law. In general, Arkansas law in this area remained the same during the period 1949-1976.

ALASKA

Alaska became a state in 1959 and the first annotated statutes appeared in 1962. Prior to 1962, Alaska was subject to the authority of federal statute. Statutory provisions relating to justifiable police homicide extend the boundaries of legitimate police violence established in the common law "felony-misdemeanor" rule. An examination of the Alaska statutes (1977 Supplement) reveals that the statutory provisions of the 1962 law, quoted in part in Gray v. State, 463 P.2d 897 (1970), are fully applicable to the conduct of public officers and their agents.

The law states that homicide is justified only if the arrestee has committed a felony [Alaska Stat. Sec. 11.15.090(3) (1962)]. It would seem that a crime in fact and not mere suspicion is mandated under Section (3); yet this rule allows more justifiable deadly force against the escapee than does the common law principle. Under the common law, the escapee had to be a felon while Section (3) demands only a "person charged with a crime." Thus, a broad reading of the Alaskan law could sanction the use of deadly force against fleeing misdemeanants (see 15 Va. L. Rev. 582, 583, 1929).

The only major judicial attention to Section 11.15.090 appears in Gray v. State [463 P.2d 897 (1970)]. In Gray, 11.15.090 was quoted approvingly as properly delineating the amount of force a police officer may use in apprehending the felon (463 P.2d 897, Note 16).

Discussion: Since Section (3) discussed above does not exclude misdemeanants it may be constitutionally defective under the Eighth and Fourteenth Amendments because the penalty administered by the officer is grossly disproportionate to anything a judge could hand down. Also the section may be over-inclusive in equal protection terms. The section, however, has not yet been clearly interpreted by the Alaskan courts.

Conclusion: The law governing justifiable homicide has not altered significantly in Alaska over the past 16 years. Generally, deadly force may be used to effect the arrest of a felon and against all criminals, in fact, who attempt escape.

CALIFORNIA

California statutory law represents a codification of the common law felony-misdemeanor rule. The law states that homicide by a public officer is justified when necessarily committed in retaking escaping felons or arresting suspected felons [Cal. Penal Code Sec. 196 (West 1969)]. Section 196 can be traced back to the Statutes of 1850 and was first enacted in 1872. No major revisions of the provision have occurred in the past 100 years.

Case law has upheld the common law felony-misdemeanor distinction. Generally, the use of deadly force for prevention of crime or to effect an arrest is limited to cases of felonies and not permissible in cases of misdemeanors [People v. Hughes, 49 Cal. Rptr. 767, 240 Cal. 2d 615 (1966)]. However, the officer may, in effecting an arrest for a misdemeanor, justifiably kill in self-defense [People v. Wilson, 172 P. 116, 36 Cal. 598 (1918)]. The rights of an officer to shoot in self-defense against an assault are the same as those of any private citizen [People v. Mallicoat, 149 P. 1000, 27 Cal. 355 (1915)].

Much of early California decisional law supported and justified police discretion in the use of deadly force. Two early cases presented factual situations where an officer saw the decedent running down a street at night with pursuers yelling, "Stop thief." In both cases, the officer was found to have had reasonable grounds to believe a felony had been committed and was thus justified in using deadly force to effect the arrest [People v. Kilvington, 37 P. 799, 104 Cal. 86 (1894), and People v. Lillard, 123 P. 221, 18 Cal. 343 (1912). Underlying these opinions is a presumption that the officer acting under authority of law will generally be justified in his decision to kill. Indeed, the court in People v. Mason explicitly stated that homicide necessarily or inadvertently committed by a public officer, while in the exercise of his authority or duty, is generally justifiable or excusable [165 P.2d 481, 72 Cal.2d 699].

The courts have attempted to provide some limitations on police use of deadly force. Although self-defense is accepted justification for use of deadly force, there must be a real and apparent necessity for resorting to such force, as a measure to ensure safety or protection [People v. Newsonce, 195 P. 938, 51 Cal. 42 (1921)]. The officer has also been ordered to stop short of killing or seriously injuring the fleeing person, except in situations of self-defense [People v. Lathrop, 192 P. 722, 49 Cal. 63 (1920)].

A recent appellate level decision indicates a judicial preference for a restriction of the common law rule relating to police use of deadly force. Kortrum v. Alkire prohibited the use of deadly force by police officers against a fleeing felony suspect unless the felony is of the violent variety [138 Cal. Rptr. 26, 69 Cal.3d 326 (1977)]. In essence, the court assumed that mere flight of a suspected felon did not by itself justify the use of deadly force.

Conclusion: California statutory and decisional law has followed the common law rule for the past 100 years. A few recent appellate level decisions indicate a trend toward limiting the use of deadly force to situations where the officer or a third party is threatened physically by a dangerous felon.

COLORADO

Colorado statutory law relating to use of deadly force has undergone some modification in recent years. Prior to 1973, Colorado statute provided that a police officer was justified in killing an arrestee who was charged with a felony or an escapee who was accused of a felony where necessity mandated such drastic action [Sec. 40-2-807 (1963)]. The 1973 Code revision stipulated that deadly force was justified when the officer reasonably believed that the arrestee had committed a felony [Sec. 18-1-707 (2)(B) (1973)]. The insertion of the reasonableness standard made the law more restrictive, at least in semantic terms.

In 1975, L. 75 (p. 616, Sec. 2) was repealed and re-enacted and Section 2(B) of Section 18-1-707 was altered. Section 2(B), which deals with police use of deadly force, became more restrictive by limiting police use of deadly force in making an arrest or in preventing an escape to dangerous felons (use of deadly weapon in commission of felony). The use of deadly force was also justified when a person was escaping through the use of a dangerous weapon or posed grave bodily harm to the lives of others around him. The new law has thus attempted to limit the justifiable use of deadly force to situations where a serious threat to life exists. Interestingly, dangerousness was a strong justification for deadly force under the common law but has only been recently recognized in statutory formulations (See, Pearson, Michigan Law Review, 1930, p. 957).

Colorado case law has stated with a modicum of precision the responsibilities the officer must realize in choosing to utilize deadly force. He is cautioned to use other means short of deadly force in effecting an arrest where they are present [People ex rel. Little v. Hutchinson, 9 F.2d 275 (8th Cir. 1927)]. However, apparent necessity gives the officer the right to take life in performing his duties [Campbell v. People, 55 Colo. 302, 133 P. 1043 (1913)], where he is threatened with a loss of life or great bodily injury [Boykin v. People, 22 Colo. 496, 45 P. 419 (1896)], or generally in effecting the arrest of a dangerous felon (Colo. Ann. Stat. 1975). In all instances, his authority is no cloak for arbitrary judgment [Campbell v. People, 55 Colo. 302, 133 P. 1043 (1913)].

Conclusion: The chronology of Colorado law on this subject might be depicted as:

<<<<<<<<<<<< 1963 >>>>>>>>>>>>>>>>>>> 1973 >>>>>>>>>>>>>>>>>>>>>>>>>> 1975

common law	common law codified	reasonableness evidentiary standard recognized in statutory law	felonies with use of deadly weapon or deadly weapon in escape or threat to life generally

CONNECTICUT

In 1969, the Connecticut legislature enacted its first statutory provisions relating to justifiable homicide by police officers [1969, P.A. 828, Sec. 22, effective Oct. 1, 1971; Conn. Penal Code 53a-22(C) (2), 1975]. The provision first explicates the requirements of the reasonable belief evidentiary standard [53a-22(A)]. Simply stated, the rule of reasonableness requires that the facts upon which the officer relies in resorting to force constitute an offense in fact. In defining the offense which would justify homicide, the statute mandates that an officer utilize the reasonableness standard in determining whether a felony has been committed or attempted [53a-22(C) (2)]. Once the standard has been met, the officer is justified in using deadly force to effect the arrest or prevent the escape of a suspected felon [53a-22-(C) (2)].

Although the 1969 Connecticut law has recognized a reasonableness evidentiary standard, it essentially restates the common law principle. Connecticut case law recognizes the power of the officer to use deadly force in effecting an arrest for a felony or preventing a felon's escape [Lentine v. McAvoy, 105 Conn. 528, 530, 533]. This prerogative is not confined to forcible felonies [Martyn v. Donlin, 198 A.2d 705 (1964)].

Martyn v. Donlin built upon many of the common law principles enunciated in Sims v. Smith [115 Conn. 279, 281; 161 A.239] and State v. Carroll [131 Conn. 224, 226, 38 A.2d 798]. In Martyn, an officer killed a motor vehicle thief, who presented no immediate threat of serious bodily injury to the officer, in order to effect the arrest. The court ruled that no felony in fact had to be committed to justify the use of deadly force; the officer had only to show that he had a reasonable basis to believe a felony had been committed [198 A. 2d 704 (1964)]. Once this reasonable basis has been established, the officer must also reasonably believe that deadly force is necessary to effect an arrest [198 A.2d 705 (1964)].

A recent Connecticut case has upheld the rule enunciated in Martyn. In Jones v. Marshall, the court ruled that Connecticut common law rules afforded an officer a privilege to use deadly force if he reasonably believed that a felony had been committed by the individual sought to be apprehended (and that such force is actually necessary to effect arrest). Since the common law rule was not found fundamentally unfair (violative of due process), the above privilege of the officer justified the fatal wounding of a felony suspect who fled from a stolen automobile [Jones v. Marshall, 528 F.2d 132 (2nd Cir. 1975).

Conclusion: Connecticut codified the common law principle in 1969. Earlier case law had defined the general contours of the law--the statute only added a clear statement of the reasonable belief evidentiary standard.

DELAWARE

Prior to 1974, Delaware had no statutory law which related directly to police use of deadly force. Decisional law only posited a test of reasonableness for judicial evaluation of police use of deadly force. The police officer could use whatever force reasonably necessary to prevent the escape and secure the arrest of any person found engaging in a breach of the peace or *any* criminal offense [*State v. Mills*, 22 Del. 297, 69 A. 841 (Ct. Gen. Sess. 1908)]. No distinction was made between offenses. The officer was only cautioned to avoid using force against individuals who posed no resistance [*Petit v. Colmery*, 20 Del. 266, 55 A. 344 (Super Ct. 1903)]. Deadly force was clearly justified in protecting the officer from bodily harm [*State v. Krakus*, 28 Del. 326, 93 A. 554 (Ct. Oyer and Terminer 1915)].

The revision of 1974 follows the Model Penal Code formulation. Namely, use of deadly force is justified when the defendant believes the arrest is for any felony involving physical injury or threat thereof [*Del. Code. Ann.* Tit. 11, Sec. 467 (C) (1974)]. In addition, the defendant must believe that force employed creates no substantial risk of harm to others and a substantial risk of harm to others will exist if the person sought is not captured without delay. The entire section is premised by the requirement that deadly force be used only after all other reasonable means of apprehension have been exhausted.

Section 467 (C) is confusing in that it justifies the use of deadly force against persons involved in any crime involving a threat of physical injury (a car driver speeding at 90 m.p.h. by pedestrians). However, deadly force must be directed at a vehicle to disable it. Evidently drafters of the legislation were willing to justify homicide committed in an attempt to disable motor vehicles.

Note: The requirements established for use of deadly force in effecting arrest apply also in the prevention of escape of an arrested person [Section 467 (D)].

DISTRICT OF COLUMBIA

The District of Columbia has adhered to the common law in the area of police use of deadly force and has dealt with the matter only in case law.

An officer, in making a lawful arrest, may use whatever force is necessary both to protect himself from injury and to accomplish and maintain his arrest. He may not use any more force than is necessary. *Barrett v. United States*, 62 App. D.C. 25 (1933).

At common law, an officer can make a warrantless felony arrest if he has a reasonable belief that (1) a felony has occurred and (2) the suspect has committed the act. However, he is not justified in using deadly force unless a felony has actually been committed. 4 Black. Comm. 292. Therefore, if he shoots under the mistaken belief that a felony has occurred, he may be civilly liable. If the officer has a warrant for the person's arrest, the officer is protected from liability.

Assuming the arrest is legal, District of Columbia law gives the police officer a great amount of discretion to decide how much force is necessary in a situation. An officer patrolling the streets at night does not have the luxury of being able to schedule his actions in the calm of an office. He must quickly respond to circumstances as they reasonably appear to him at the time. The only limitation the law places on him is that he act in good faith. Bell v. United States, 102 U.S. App. D.C. 383 (1958).

If facts ultimately prove to be different than they had appeared to the officer (e.g., suspect pulls gun that turns out to be a water pistol) he is not guilty of a crime unless he abused his discretion through malice or wantonness or a reckless indifference to common dictates of humanity. Barrett, supra. Absent such a finding the decision as to the amount of force that was necessary is left to the officer, not the jury.

The right to use deadly force is allowed when arresting a felon or to prevent the commission of a felony and even justification for this amount of force depends on the circumstances of the moment. Bell at 386.

FLORIDA

The law relating to police use of force in making arrests is found in Title 44 of the Florida annotated statutes. Earlier Florida statutory law comports with recent revisions in allowing the police to use deadly force against any suspected felon (See Laws 1974, c. 74-383, Sec. 13 and Laws 1975, c. 75-64, Sec. 1). Although the 1975 revision does not explicitly provide for a dual reasonable belief standard (reasonable belief that a person is a fleeing felon and reasonable belief that deadly force is necessary), authoritative opinions have interpreted the statute to embody such a standard (Op. Atty. Gen., 076-178, Aug. 24, 1976). As with previous law, the new statute makes no distinction between armed and unarmed felons or between crimes against property rather than a person or persons.

In construing the 1975 statute, the Florida courts have established that once reasonable grounds to believe a felony has been committed exist, the officer is justified in using all force reasonably necessary to effect the arrest [City of St. Petersburg v. Reed, 330 So.2d 256 (Dist. Ct. App. 1976)]. The rule had earlier received recognition in City of Miami v. Nelson, 186 So.2d 535 (Dist. Ct. App. 1966).

The officer believing that the suspect has committed a felony is not free to arbitrarily kill in order to effect arrest. As the courts have stated, the killing must be reasonably necessary to capture the felony suspect [City of St. Petersburg, supra]. One Florida court has stated that reasonable necessity arises after the officer has exhausted every reasonable means of apprehending the escaping felon [Chastain v. Civil Service Board of Orlando, 327 So.2d 230 (Dist. Ct. App. 1976)].

Police departments in Florida have written and promulgated departmental standards more restrictive than state law. For example, the Orlando Police Department specifies that the officer use deadly force only against felons suspected of crimes involving some use or threatened use of deadly force against the individual. Upon challenge, these directives have been upheld in the Florida courts. However, the courts have clearly stated that an officer's criminal and civil liability will be measured by state law and not by the more restrictive departmental regulation [See, Chastain, supra].

Conclusion: Florida law relating to the use of deadly force by police officers follows closely the common law rule. No distinction is made among felons who may become victims of deadly force; officially the felony-misdemeanor distinction has remained intact. Recently, police departments have issued directives which restrict the use of deadly force to cases of violent felonies.

GEORGIA

Georgia statutory law dealing with police use of deadly force has been altered in the last decade. The earlier statute represented a codification of the common law providing that an officer could justifiably kill *any* felony suspect when necessary to effect arrest or prevent an escape [Georgia Code, 26-1011, 26-1012, 26-1014 thru 26-1016 (1933)]. The 1969 revision restricted police use of deadly force to situations of self-defense and forcible felony offenses.

Under the earlier statute, decisional law supported the felony-misdemeanor distinction. In general, an officer has no right, except in self-defense, to kill a fleeing misdemeanant in order to effect an arrest [*U.S. v. Kaplan*, 286 F. 963 (1923); *King v. State*, 91 Ga. App. 825, 87 S.E.2d 434 (1955)]. Also, he is not justified in shooting a misdemeanant to stop his flight [*McAllister v. State*, 7 Ga. App. 541, 67 S.E. 221 (1910)]. Both of these principles comport with the 1969 revision.

The law in Georgia attempts to check arbitrary force while protecting the life of the officer. In an arrest situation, the officer is not bound to wait until he is actually assaulted before resorting to force [*Ramsey v. State*, 92 Ga. 53, 17 S.E. 613 (1893)]. Rather, an officer making a lawful arrest is justified in killing under the fears of a reasonable man that a felony is about to be committed upon himself or his fellow officer [*Gordy v. State*, 93 Ga. App. 743, 92 S.E.2d 737 (1956)]. The determination of reasonableness is left to the jury (Id.). In meeting the threshold requirements of a test of reasonableness, the jury must find that the officer acted without malice in the performance of his duties [*Jackson v. State*, 76 Ga. 473 (1886)].

Prior to the 1969 revision, decisional law had attempted to limit the use of deadly force by prescribing it as a "last resort," to be used by public officers. As evidence of a regard for the value of human life, a court stated that homicide was judged to be improper if the person could otherwise be taken [*Doner v. State*, 109 Ga.485, 34 S.E. 1030 (1900)]. If deadly force is resorted to in arresting a fleeing suspect, the officer is left with the burden of showing that no other reasonably apparent methods of effecting the arrest existed at the time [*Kelly v. State of Georgia*, 68 F. 652 (D.C. Ga., 1923)]. These limitations and burdens of proof remain in force under the 1969 revision.

The purpose of the 1969 statute governing justifiable use of force is to provide justification only for repulsion of forcible felonies [*Henderson v. State*, 136 Ga. App. 490, 221 S.E.2d 633 (1975)]. Therefore, the law has become more restrictive by excluding non-forcible felonies and situations where the officer's life is not endangered.

Note: Forcible felony probably includes burglary but there is no litigation on this issue.

HAWAII

Early Hawaii statutory and decisional law allowed the arresting officer to use any force, including deadly force, necessary to effect any arrest [H.R.S. 803-7; Territory v. Machado, 30 Haw. 487 (1928)]. Unlike the common law, no distinction was made between the arrest of a misdemeanant and a felon (Id.). Also, there was no requirement that the officer use deadly force only when acting in self-defense. The sole judicial attempt to limit arbitrary conduct involved the use of an objective test to determine the reasonableness of a defendant officer's belief [Leong Sam v. Keliihoomalu, 24 Haw. 477 (1918)].

The 1972 revision (effective 1973) essentially accepted the Model Penal Code section on the use of deadly force. In doing so, statutory law limits the circumstances in which deadly force may be used [Hawaii Laws, Act 9, Ch. 3 (1972) (effective 1973), statutes Sec. 703-307 (1975)]. Subsection (3) restricts the use of deadly force to felony arrests. In addition to this requirement, the officer must believe that use of deadly force will pose no threat of serious injury to innocent bystanders and the crime for which the arrest is being made must involve use of deadly force (or the felon sought must pose some risk of serious injury to others). These restrictions would not preclude the officer, or any other person from using deadly force in defense of his own life (see Sections 703-304, 305).

Subsection (4) recognizes the privilege of the officer to use deadly force to prevent the escape of an arrested person from custody. When the person has not been incarcerated, the officer may use the force justified in arrest situations [Subsection (3)] to prevent escape. Therefore, a misdemeanant or non-dangerous (unarmed) felon could never be killed solely to prevent escape.

The philosophy underlying the revision of Hawaiian law recognizes that deadly force will only be warranted in cases where an individual poses some substantial danger to life or bodily security. Statutory law attempts to clearly state when a substantial amount of danger is posed by an arrestee. In some situations (dangerous felon) deadly force is clearly accepted as a lawful means of preventing immediate harm even though the dangerous felon cannot be sentenced to death under the same considerations by a competent court.

IDAHO

Statutory law in Idaho states that an officer is justified in committing homicide when he attempts to retake an escaping felon and in arresting a person charged with a felony, who is fleeing or resisting arrest [Idaho Code Ann. Sec. 18-4011 (1949)]. Evidently, Idaho follows the common law restrictions placed upon the use of deadly force against misdemeanants (see 30 C.J. 41 Sec. 196). The common law standards, adopted in Idaho statute, can be traced back to the mid-nineteenth century [Cr. + P. (1864) Sec. 28, 29]. Six years ago, Section 18-401 was re-enacted as it appeared in the 1948 code (cumulative Pocket Supplement, Idaho Code, 1977).

No Idaho appellate cases could be found that related directly to the question of justifiable police homicide. Thus, Idaho law has not changed significantly in the past 30 years. Statutory provisions have, through re-enactment, attained the status of positive law.

Note: Idaho adopted the Model Penal Code in 1971 but repealed it three months after its effective date in 1972.

ILLINOIS

Illinois statutory law dealing with police use of deadly force has undergone modification in the past two decades. Illinois Rev. Stat. 1961 Ch. 38, Sec. 368, recognized the common law rule. The provision stipulated that only felons could be justifiably killed when all other means of apprehension had been exhausted (Id.). Section 368 had been essentially the same since 1927 except that the original provision had specified only the common law felonies of treason, murder, rape, burglary, robbery, and arson. In 1961 (effective 1962) the Illinois legislature enacted a law which provided that deadly force could only be used against those escaping or resisting who had committed forcible felonies or posed a serious danger to human life (self-defense) [Laws 1961, p. 1983, Sec. 7-5, eff. Jan. 1, 1962]. The latter provision is meant to restrict use of deadly force to situations in which the offender is likely to inflict death or great bodily harm if he is not arrested immediately.

Illinois decisional law follows the felony-misdemeanor distinction. An officer may use deadly force against escaping felons to effect an arrest [People v. Klein, 305 Ill. 141 at 146, 137 N.E. 145 (1922)]. However, he is not afforded the same privilege in dealing with misdemeanants [People v. Cash, 326 Ill. 104, 157 N.E. 76 (1927)]. The officer's right of self-defense has been judicially accepted: the officer is under no obligation to retreat before using deadly force [Lynn v. People, 170 Ill. 527, 48 N.E. 964 (1897)].

In determining what degree of dangerousness will justify the use of deadly force, the Illinois courts have been vague. However, under the 1962 revision, the possession of a deadly weapon is sufficient indication of an intent to endanger the safety of other persons. The officer may act (use deadly force) first even if the offender has not actually used or threatened to use his weapon (see Commentary to 1962 Illinois Code Revision).

A recent case has explicated those circumstances where an officer may justifiably use deadly force. In a situation where the officer pursued a suspect whom he had reason to believe had committed a forcible felony, the use of deadly force was justified to prevent escape [Fornuto v. Police Board of City of Chicago, Ill. App. 3d 950, 349 N.E. 2d 1951]. In the Fornuto case, the fleeing felon had also used a deadly weapon in escape, thus satisfying another statutory requisite for police use of deadly force. Since the shooting met statutory standards, it did not constitute disrespectful or willful mistreatment or unnecessary use of a weapon within departmental policies.

INDIANA

Prior to 1977, Indiana had a brief statutory provision which related broadly to police use of deadly force [Ind. Stat. Ann. 35-1-19-3 (1975)]. The law simply stated that the officer could, after notification of his intent to arrest, justifiably use all means necessary to effect an arrest (Id.) [35-1-19-3 (1975)] and the earlier provision [9-1007] can be traced back to a law first enacted in 1905. Thus, during the period 1905-1977, statutory law relating to police use of deadly force remained fairly consistent.

Indiana decisional law has interpreted the aforementioned statutes within the guidelines of the common law rule. An officer may use force reasonably necessary to arrest misdemeanants, though he may not endanger life in doing so. He may justifiably overcome resistance with force, but not deadly force, unless his own life is threatened [Durham v. State, 199 Ind. 567, 159 N.E. 145 (1927)]. This rule represents an attempt to limit the use of deadly force, in the case of misdemeanants and possibly suspected felons, to situations of self-defense.

The Court in Kreger v. Osborn stated that the appearance of force in an arrest must be necessary because of resistance on the part of the arrestee [7 Blackstone 74 (1843)]. Generally, the officer is entitled to meet force with like force. Therefore, the reasonable force mandated in Plummer v. State can be deadly force only if the officer's life is placed in danger [135 Ind. 308, 34 N.E. 968 (1893)].

Conclusion: Statutory law in Indiana did not alter significantly during the period under investigation. Case law has generally followed the common law. However, many cases can be read to support a limitation on the use of deadly force to situations in which the officer is acting in self-defense, regardless of the crime of which the person is suspected.

IOWA

The statutory provision relating to the justifiable use of deadly force falls under the resistance to arrest chapter of the Iowa code, Sec. 755.8 (1971) and Section 13472 (1939). Generally, an officer in Iowa may legally use all force necessary (including deadly force) when lawfully attempting to effect an arrest (Id.). Statutory law prior to 1978 mentions nothing about the use of deadly force to prevent the escape of one already in custody. Although the statutory law of justifiable homicide has not significantly altered during the years 1949-1976, case law has shaped and delineated the proper standards for justifiable police homicide.

Case law evidences an attachment to the felony-misdemeanor rule. An officer is never justified in shooting one guilty of a misdemeanor to effect his arrest or prevent his escape [State v. Howard, 191 Iowa 728 (1921) and State v. Smith, 127 Iowa 534 (1904)]. With felons, the officer may use all the force that he believes necessary to effect the arrest or prevent an escape. Of course, this prerogative would include deadly force [State v. Phillips, 119 Iowa 652, 94 N.W. 229 (1903)].

Note: The Iowa Criminal Code was completely revised in 1976 and Section 755.8 of the old code was repealed (New Code effective January 1, 1978).

Conclusion: Although statutory law gives no clear enunciation of the common law principle, Iowa case law has delineated the standards of the felony-misdemeanor rule. Prior to the massive revision of 1976, the Iowa law of justifiable police homicide had not been significantly altered.

KANSAS

Kansas statutory law dealing with police use of deadly force can be located in the Crime and Punishment chapter of the Kansas Code Annotated, 1970, Section 21-325(1). Under this section, the officer is justified in using deadly force in effecting the arrest of a fleeing felon, or any other person who poses a serious danger to human life (and needs to be arrested without delay) (Id.). The earlier Kansas law dealing with police use of deadly force was encompassed in two sections [K.S.A. 62-1204 (1956) sanctioned the use of deadly force against felons; K.S.A. 21-404 justified homicide by any person where another individual posed a grave and immediate threat to human life].

A literal reading of the earlier statute indicates that deadly force might be justifiably used against misdemeanants who attempt to resist arrest (See Knudson, Washburn Law Review, 1966, p. 263). The revision of 1970 has established a requirement that deadly force be used against those felons fleeing or resisting arrest (or others engaged in conduct threatening to human life) [K.S.A., 21-3215 (1) (1970)]. In semantical terms, Kansas statutory law probably became more restrictive in 1970. The police officer was directed to use deadly force only against felons and life-threatening individuals in effecting arrests.

Kansas case law provides little guidance in this area. In State v. Dietz, the Court held that a sheriff who acts without a warrant in undertaking an arrest for a misdemeanor not committed in his presence and kills a person in an attempt to overcome his resistance is guilty of either murder or manslaughter [59 Kan. 576, 53 Pac. 870 (1893)]. Although the 1970 statutory law seems to rule out the use of deadly force in arresting misdemeanants, the law is not yet settled on this point.

Conclusion: It can be reasonably argued that Kansas law became more restrictive in 1970 when it limited the police use of deadly force to felons and those posing a danger to life. Prior to 1970, a strict reading of Kansas statutory law would permit the use of deadly force against misdemeanants who resisted arrest. Yet, the current statute (by placing the determination of dangerousness initially in the officer's hands) gives the officer wide discretion in using deadly force.

KENTUCKY

The enactment of KRS 503.090 in 1974 (effective January 1975) placed Kentucky among those states which have accepted the Model Penal Code provisions relating to police use of deadly force. Prior to 1974, Kentucky had no statutory law on the subject, while case law essentially followed an expansive reading of common law principles. In describing the extent to which force could be used by a police officer to effect an arrest, a Kentucky appellate court sanctioned the killing of fleeing felons if necessary and forbade like action against misdemeanants who were not resisting [Dilger v. Commonwealth, 11 S.W. 651, 653 (1889)].

Under the earlier law, however, any force, including deadly force, necessary to prevent escape from custody, was justifiable without regard to whether the person had been arrested for a felony or a misdemeanor [Hatfield v. Commonwealth, 59 S.W. 2d 540 (1933); Hickey v. Commonwealth, 215 S.W. 431 (1919)]. This privilege was clearly greater in scope than the privilege to use force given the officer in making arrests, since deadly force could not be used against misdemeanants in making an arrest. Subsection (3) of the revision of 1974 changes the earlier law by establishing the same standards for use of deadly force in arrest and escape.

Other restrictions are established under the new law. Subsection (2) limits the use of deadly force in arrests to officers only, a limitation consistent with the Model Penal Code. Subsections (2) (b) and (2) (c) restrict the use of deadly force to effect an arrest to dangerous felony arrests which mandate immediate apprehension. Section (3) of 503.090 applies the arrest requirements to escape situations.

It is important to note that nothing in 503.090 precludes the officer from killing in self-defense, when resistance threatens his life. KRS 503.050 clearly justifies such conduct when serious bodily injury or death seems imminent.

Conclusion: The new Kentucky law (503.090) restricts the justifiable use of deadly force to situations involving dangerous felonies *and* a need for immediate action. Please note that many other statutes require either forcible felony *or* some other threat. In this regard, Kentucky is probably the most restrictive MPC state, with a statutory provision very similar to that of the 1977 LAPD firearms policy.

LOUISIANA

Although Louisiana statutory law does not explicitly deal with police use of deadly force in arrest situations, a provision in the code does allow justifiable homicide in the prevention of forcible and violent felonies. Generally, a homicide committed in the prevention of a "violent or forcible" felony is justifiable [*La. Rev. Stat. Ann*. Sec. 14:20 (1950); *Carmouche v. Bouis*, 6 La. Ann. 95, 54 Am. Dec. 558 (1851)]. However, the felony must also involve some danger to human life in order to require deadly force. A burglary of an empty dwelling by an unarmed person would clearly not meet such a requirement.

The Louisiana prevention statute has been interpreted as also restricting the use of deadly force to arrest non-violent felony suspects [*Sauls v. Hitto*, 304 F. Supp. 124 (E.D. La. 1969)]. The opinion in *Sauls* clearly indicates that Louisiana has never accepted the common law privilege of the officer to justifiably kill *any* fleeing felon. Since Louisiana law forbids the use of deadly force to prevent the commission of a felony involving only property, it is both unreasonable and inappropriate for a police officer to use deadly force to arrest a man suspected of committing a non-violent felony. Thus, the holding in the case stated that an officer is not justified in shooting at a man who is suspected of stealing an automobile in order to apprehend him.

These restrictive principles in no way prevent the officer from acting to save his own life or that of a third person. To meet the requirements of self-defense, the circumstances must be sufficient to create a reasonable belief that the officer or a third person is in imminent danger of losing his life or incurring serious injury. Once the reasonable belief of serious danger has been realized, the officer must believe that killing is necessary in order to save himself [*State v. St. Geme*, 31 La. Ann. 302 (1879)]. It has been held that the test of reasonableness is not met unless it is founded upon physical attack or hostile demonstration [*State v. Halliday*, 112 La. 846, 36 So. 753 (1904)].

Conclusion: Louisiana codified a forcible and dangerous felony requirement for use of deadly force in 1942. The common law principles have never applied in Louisiana.

MAINE

The legislature of Maine enacted a Model Penal Code formulation for police use of deadly force in 1975 [Laws 1975, Chapter 499 (effective March 1, 1976)]. Prior to 1975, there had been no statutory law on the subject. Amendments in the 108th legislature's regular session (1977) altered portions of the deadly force section, but not those relating to use of such force by the police [*Maine Rev. Stat. Ann*. Tit. 17A Section 107-2(B) (1977 Supplement)].

Under the new law, the officer may use deadly force when reasonably necessary in any of three situations: (1) when an individual has committed a crime involving the use of deadly force; (2) when the person sought is using a deadly weapon to escape; or, (3) when the individual generally indicates he will endanger human life if not apprehended without delay. Of course, the officer is justified in using deadly force to save his own life [17-A, 107-](A)]. The requirements for use of deadly force outlined above apply to cases of arrest and escape.

There is little other Maine law on this subject. Title 15, Section 704 provides that in making an arrest, if the officer "acts wantonly or aggressively, or detains a person without warrant longer than is necessary to procure it, he shall be liable to such person for the dangers suffered thereby." Civil liability is created for the person detained but a defense is not created for the person arrested [State v. Boynton, 143 Me. 313, 62 A.2d 182 (1948); Bale v. Ryder, 290 A.2d 359 (Me. 1972)].

Note: The statutory standards for use of deadly force by a private citizen are more restrictive than those for a police officer. The private citizen can only use deadly force in self-defense and in arresting an individual for a violent felony (preventing the escape of one using a deadly weapon). He is not allowed to use deadly force against others who pose a danger to society.

MARYLAND

Maryland has no statutory provisions relating to police use of deadly force. Case law has generally accepted the common law rules.

Judicial opinion has described the common law as containing the axiomatic principles which control the use of deadly force. The officer may not kill to prevent the escape of a misdemeanant. However, if the person in custody for a misdemeanor assaults the officer, the officer may kill if necessary to save his own life [Vacaro v. Collier, 38 F. 2d 862 (1930)]. [Vacaro was modified in 51 F. 2d 17 but only in regard to the technicalities of a kidnapping charge, not the use of deadly force.] In this case, necessity arises when the officer has reasonable grounds to believe that his life is in peril (Id.).

The rule of necessity was stated in another connection in Law v. State, 21 Md.App. 13, 318 A.2d 859 (1974)]. In the prevention of felonies, the right to take another's life rests upon real or apparent necessity. The court, in dealing with the defense of one's home, stated that the taking of life is justified for the prevention of only such felonies as are committed by forcible means, violence, and surprise, such as murder, robbery, burglary, rape, or arson. Although the court in Law was dealing with a different area of the law, the trend toward a restriction on the use of force may eventually lead to a modification of the common law (for arrest). Currently, the law states that in dealing with felons, the officer is justified in killing one who has committed or is reasonably believed to have committed a felony, if necessary to prevent his escape [Baltimore and Ohio R. Co. v. Strube, 111 Md. 119, 73 A. 697 (1909)]. No distinction is made between crimes against the person and crimes involving property.

MASSACHUSETTS

Massachusetts has no statutory provisions explicitly regulating police use of deadly force. Litigation on this issue in the courts of the state has been very sparse. This fact is rather surprising when one considers the mass of all types of decisional law in Massachusetts.

The earliest case in this area deals with the amount of force a naval sentry may lawfully use against one who verbally assaults him. Homicide was found to be unjustifiable when committed solely in response to verbal abuse [U.S. v. Bevans, Fed. Cas. No. 14, 589 (C.C. Mass. 1816)].

Homicide may be justifiable when it is necessary to overcome resistance by a person sought to be arrested for committing a recent felony (dicta in Commonwealth v. Young, 326 Mass. 597, 96 N.E.2d 133 (1951)]. In this case a group of police officers had staked out the house of an escaped felon. During the night, one of the officers was confronted with a young man he believed to be the felon. An altercation ensued and the young man was killed. The trial court found the officer guilty of manslaughter. The Court in Commonwealth v. Young affirmed, citing with approval the opinion in Powers v. Sturtwant [199 Mass. 265, 266, 85 N.E. 84] which stated that the trial judge was in the appropriate position to determine what degree of force was justifiable. Obviously, in Young's case the facts had indicated to the trial judge that his conduct constituted manslaughter and not justifiable homicide.

In general, the common law in Massachusetts gives the officer the privilege of using deadly force against felons and not misdemeanants. However, litigation has not yet settled the issue of whether flight by felons alone justifies the use of deadly force. No distinction among felonies has yet been indicated. Judging from the trial judge's decision in the Young case it seems evident, however, that the police officer will be justified in using deadly force only when absolutely necessary (and probably in situations where some threat to life is present).

MICHIGAN

Statutory law does not deal explicitly with the police use of deadly force. Decisional law has developed and modified much of the common law.

The case of People v. Burt first addressed the problem. In Burt a constable who was investigating local burglaries stationed himself at a bridge and began to stop and search passers-by. One Van Etter refused to be searched and was killed fleeing by Burt, without probable cause. Although the Court vacated Burt's earlier conviction for murder, they did state that one who kills an actual felon in trying to arrest him, without knowing or believing him to be guilty, commits murder, especially if the arrestor is not an officer [People v. Burt, 51 Mich. 199, 16 N.W. 378 (1883)], followed in People v. Essenburg, 72 Mich. App. 106, 249 N.W.2d 313 (1977).

U.S. v. Clark dealt with the rights of a military guard to kill a prisoner who escapes from his custody. In determining his rights, the common law distinction between felonies and misdemeanors is not applicable, since it was not formulated with military offenses in mind. Dicta in Clark may be used to support the proposition that homicide committed without malice in suppressing riots is excusable, when committed by public officers [U.S. v. Clark, 31 F.710 (1887)].

Although Michigan accepts the common law felony-misdemeanor distinction in cases of civilian offense, it has not adopted the common law of "hue and cry or clamor popularis, with amercement of the dilatory hundreds and award to the captor of the felon." However, the victim of a robbery may apprehend the robber or cry for his arrest [People v. Robinson, 628 Mich. 64, 199 N.W. 622 (1924)].

MINNESOTA

Minnesota law relating to justifiable homicide by a police officer represents a codification of the common law [Schumann v. Maginn, 240 N.W. 2d 537 (1976)]. Section 609.065 was enacted into law in 1963 and superseded Minn. St. Sections 619.28 and 619.23. The old statutory law allowed for justifiable homicide "in the discharge of a legal duty" and "in lawfully suppressing a riot." Both of these sections were removed from the 1963 law, because they were vague and overbroad (See, Advisory Committee Comment on 609.065). Thus, the law became more restrictive in the early 1960's.

A recent case has interpreted the meaning of the 1963 law [Schumann v. Maginn, 240 N.W.2d 525 (1976)]. The court stated that the word "necessary" in Section 609.065 could be taken to mean that "the actor reasonably believes that the arrest cannot otherwise be effected" (Id. at 537). The "lawful arrest" stipulation of Section 609.065(3) means that probable cause is needed for arrests without warrant (Id. at 537). More importantly, the court in Schumann enunciated the scope of the officer's privilege to use a firearm. In general, an officer may use reasonable force in effecting a lawful arrest, where he has probable cause to believe that a person is committing or has committed a felony. Second, reasonable force may include the intentional discharge of a firearm upon or toward that person only if the officer reasonably believes that without such force he could not effect the arrest (240 N.W.2d 538).

Although the clear enunciation of rules in the Schumann case may be indicative of a trend toward further restrictiveness, the officer is still left with a good deal of discretion. Clearly, no distinction is made among felonies. Juveniles are not excluded; the court in Schumann was dealing with the shooting of a 15-year-old and made no reference to age in the opinion.

Note: The restrictiveness of police department regulations relating to use of deadly force varies in Minnesota. Many departments have policies more restrictive than state law. Defendant in the Schumann case was a member of a police department whose regulations merely restated the common law rule.

Conclusion: Minnesota statutory law became more restrictive in 1963 when vague and overbroad terms were eliminated from the law. Decisional law has made explicit a reasonable belief evidentiary standard for the use of deadly force (reasonable belief that without such force the arrest could not be made).

MISSISSIPPI

In Mississippi, the statutory requisites for justifiable homicide encompass police use of deadly force in effecting arrest and the prevention of escape. One could easily question whether this is a valid distinction, assuming that all arrestees will necessarily attempt escape. However, in law the homicide must have been "necessarily committed" and the arrestee or escapee must have been a felon [Miss. Code Ann. Sec. 2218 (1942) and Miss. Code Ann. 97-3-15 (1972)].

Both statutes seem to require that the felon be one in fact, and that criminal responsibility would attach to a police officer who killed a suspect who was not in fact a felon. Recognizing that such a rule might hamper the officer's effectiveness in apprehending criminals, the common law posited a rule of reasonableness test. Reasonable grounds to believe that a suspect is a felon will usually absolve the officer of criminal responsibility if he makes a mistake in fact [Hubbard v. State 202 Miss. 229, 30 So. 55 (1901)] suspicion alone will not meet the threshold requirements of the reasonableness test (Id.).

Mississippi case law states explicitly that Section 2218 (1942) represents a codification of common law [Jackson v. State, 66 Miss. 89, 5 So. 690]. Courts in Mississippi have thus construed Section 2218 as not authorizing a sheriff to shoot a fleeing misdemeanant in effecting arrest or preventing escape [Brown v. Weaver, 76 Miss. 7, 23 So. 388]. A misdemeanant so unjustifiably shot can recover on the sheriff's official bond (Id.). Other courts have attempted to shy away from a strict attachment to restrictions on the use of deadly force against misdemeanants. Dicta in Smith v. Byrd, 83 So.2d 172 (1955) supports the contention that deadly force cannot be used against a misdemeanant unless he threatens the officer with serious bodily harm and no other means may be used to effect his arrest.

Conclusion: Although the State of Mississippi revised its code in 1972, the provisions of Section 2218 were not amended. Case law has generally supported an expansive reading of the "felony-misdemeanor" rule.

MISSOURI

Missouri statutory law represents a codification of th[illegible]mmon law principles relating to police use of deadly force. The officer, or any othe[illegible]erson, may commit justifiable homicide when necessary in apprehending any felony suspect, or in suppressing riots, or in lawfully keeping the peace [Mo. Ann. Stat. Sec. 559.040 (1949)]. Through an inclusion of riots and civil disorder, as situations justifying use of police deadly force, the Missouri statute allows police homicide in more offense situations than many other common law states. The section of Missouri law in question has not been altered by revision or amendment during the past 30 years.

Decisional and statutory law follows closely the felony-misdemeanor distinction. The officer is never justified in shooting one guilty of a misdemeanor to effect his arrest or prevent his escape [State v. Salts, 331 Mo. 665, 56 S.W.2d 21; State v. McGehee, 308 Mo. 560, 274 S.W. 70]. However, the section justifies a homicide resulting from force necessarily exerted in effecting the arrest of an accused felon in flight [State v. Ford, 344 Mo. 1219, 130 S.W.2d 635].

The Missouri statute neither distinguishes among types of felonies nor does it clearly establish the evidence an officer lawfully must have to believe a person is a felon. However, statutory analysis indicates that any felony suspect may be killed when necessary in securing his apprehension [Mo. Ann. Stat. Sec. 559.040(3) (1949)]. Case law has interpreted the provision to require only a suspected felon and not a felon in fact. The officer need only have just suspicion that the person has committed a felony [McKeon v. National Casualty Company, 216 Mo.App. 507, 270 S.W. 707].

Generally, case law has focused upon two occasions for police use of deadly force--the killing of an offender during arrest and the officer shooting in self-defense. Killing in self-defense is justified if the officer is in imminent danger of great personal injury [State v. Salts, 331 Mo. 665, 56 S.W.2d 21]. In making an arrest, the officer may use such force as is necessary, and if the offender resists he may justifiably kill to secure the arrest of the felon [State v. Havens, 177 S.W.2d 625]. If an officer, in making an arrest for a misdemeanor, is resisted, he may use deadly force if the resistance threatens his own life or a third party [State v. McNally, 87 Mo. 644].

Under Missouri law the officer is statutorily given the privilege of deciding upon those situations requiring use of deadly force. However, his decision is subject to judicial review. The jury must ultimately determine whether the use of deadly force was actually necessary (i.e., whether necessity existed at the time of the killing) [State v. Parker, 355 Mo. 916, 199 S.W.2d 338].

A recent Missouri appellate decision reaffirmed the common law justification for police use of deadly force. In traditional reading of the common law, the court ruled that a police officer may use deadly force as a last resort to apprehend an accused fleeing felon [Walsch v. Oehlert, 508 S.W.2d 222 (1974)].

MONTANA

Up until 1974, Montana statutory law provided another example of a codification of the felony-misdemeanor rule of justifiable homicide by a police officer. In terms of statutory categories under the previous law, justifiable homicide included killing ordered by a competent court, homicide necessitated in overcoming actual resistance to the legal process, and homicide necessarily committed in arresting or preventing the escape of a felony suspect. These provisions of the former law were stated in: Mont. Rev. Codes Ann. Sec. 94-2512 (replacement vol. 1969).

Under the new Criminal Code of 1973, which replaces entirely Section 94 of the Montana Revised Code, the section on justifiable homicide by public officers has been placed in a new chapter entitled, Justifiable Use of Force--Exoneration. This new chapter includes a definition of deadly force (firing a firearm in the direction of a person or the vehicle (not exclusively) he is riding), (see 94-3-101). It also states that a peace officer is justified in using deadly force to prevent the escape of anyone who threatens serious bodily harm or death to those around him while escaping (94-3-106). This would imply that a serious felony offender who was arrested and later attempted to escape, without posing serious bodily harm to anyone, could not be killed solely to prevent his escape. Conversely, an escaping misdemeanant who poses serious bodily danger to others may be justifiably killed by the public officer (see commentary on 94-3-106 Revised Code of Montana, 1973). In arrest situations the felony-misdemeanor rule prevails (see note to 94-3-101). However, it can be assumed that the standards for arrest and escape are essentially the same [see 94-3-106(1)].

The only case law which speaks directly to the question of justifiable homicide states that where deadly force is used, a test of reasonableness will be employed (State v. Houk 34 Mont. 418.923).

Conclusion: Montana law has become more restrictive in the sense that it has moved to condition the use of deadly force on the danger posed by the suspect or escapee and not his offense classification. The revised code went into full effect in 1974.

NEBRASKA

Until 1972, Nebraska dealt with the issue of police use of deadly force exclusively through case law. The cases have basically applied the common law principles in the area.

A police officer, in making an arrest, is generally justified in using whatever force is reasonably necessary. Reasonableness is a jury question and is judged in terms of what an ordinarily prudent and intelligent person in the position of the arresting officer would have deemed necessary under the circumstances [Breese v. Newman, 179 Neb. 878, 140 N.W.2d 805 (1966)].

Lamma v. State, a case involving a felony, set out two situations in which an arresting officer would be justified in using deadly force [46 Neb. 236, 64 N.W. 956 (1895). One situation is where the felon resists arrest and in doing so puts the lives of the officer or others in danger. The other is where the felon attempts to escape and there is no other way to prevent this. However, if a jury finds that such severe measures were not necessary, the officer is guilty of at least manslaughter. The law does not give an officer authority to judge arbitrarily the necessity of killing a prisoner to secure him.

Even in arresting someone guilty of a misdemeanor, the officer was allowed to use such force as would appear necessary to a "reasonably prudent person under the circumstances even if that meant using deadly force" [Broquet v. State 223 N.W. 466 (1929)]. However, generally there was no right to kill a misdemeanant except in self-defense [Breese v. Newman, supra].

In 1972, Nebraska adopted the Model Penal Code view on police use of deadly force (Neb. Rev. Stat. §28-839). Under the statute, an arresting officer cannot use any amount of force until he makes known the purpose of the arrest, unless he believes it is already known or that he cannot reasonably make it known to the person to be arrested. If the arrest is to be made under a warrant, the warrant must be valid or believed to be valid by the officer.

Deadly force is only justified in the case of a felony and only when it does not create a substantial risk of injury to innocent persons. This would preclude shooting into a crowd, as in North Carolina. In addition, deadly force is not justified to apprehend just any suspected felon. The officer must believe that the crime for which the person is being arrested was a "forcible" or "dangerous" felony such as murder, rape, robbery, burglary, arson, or other conduct that involved the use or threatened use of deadly force. This is an abrogation of the common law which allowed the use of deadly force against any felon including embezzlers, bigamists, etc.

Deadly force is also justified to stop a person whose delayed apprehension will create a substantial risk of death or serious bodily harm to others. Therefore, an officer would be justified in killing a suspect to prevent the commission of a "dangerous" felony.

Finally, deadly force may be used to suppress a riot or mutiny after the offenders have been ordered to disperse and have been warned of the consequences if they do not.

NEVADA

Nevada statutory law provides for justifiable homicide by a public officer when it is committed in arresting a felon or while apprehending a person for a felony that is known to have taken place [Nev. Rev. Stat. Sec. 200.140 (1973)]. A felon in fact is required in an arrest situation. However, where a felony is known to have taken place, a public officer may justifiably use deadly force in apprehending a person he has probable cause to believe is an escaping felon. The reason for this distinction seems unclear since some states require a felony in fact for escape and the traditional probable cause for arrest.

The codification of the felony-misdemeanor finds its roots in early Nevada law (1911 C + P Sec. 131; RL; RL Sec. 63996; NCL Sec. 10078). The aforementioned provisions have remained intact through several code revisions (1911 C + P; Nev. Rev. Stat. Sec. 200.140 3 (1963); Nev. Rev. Stat. Sec. 200.140 s(b) (c) (1973)].

The only Nevada case law on the subject of justifiable homicide can be used to cite the proposition that a public officer or his agents may justifiably kill murderers if they resist arrest [Smith v. State 38 Nev. 477 (1915)].

NEW HAMPSHIRE

The statutory provision relating to police use of deadly force has been placed in a section entitled, Physical Force in Law Enforcement, in the Criminal Code of New Hampshire [N.H. Rev. Stat. Ann. Sec. 627:5 (1974)]. Under this section, the use of deadly force by an officer is justified in either of two general situations (which in practice defy categorical distinction). The officer may use deadly force when reasonably necessary to prevent another from using like force against himself or a third party. In effecting arrest or preventing escape, the officer is justified in using deadly force if the arrestee is a felon, or any other person who indicates a likelihood of seriously endangering human life (either a person who appears likely to engage in imminent and dangerous felonious conduct or possibly a misdemeanant who in escaping is placing other citizens' lives in danger). Unfortunately, the New Hampshire courts have not explicitly forbidden the use of deadly force against misdemeanants (See, Knudson, Washburn Law Review, 1966, p. 263).

The statute, which is unusually lengthy, advises the officer to make reasonable efforts to advise the arrestee that an arrest is being made [N.H. Rev. Stat. Ann. Sec. 627:5(2) (B) (2)]. However, an absolute assurance that the person is aware of the arrest situation is not statutorily required (for contrast, see R.I. Ann. Stat. 12-7-9 (1969)].

Conclusion: It has not been possible to locate any New Hampshire court cases which deal specifically with police use of deadly force. It seems to assume that the New Hampshire statute enacted in 1971 represents a codification of common law principles recognized in the jurisdiction for many years (See, Finch, 1976, p. 361). However, mere statutory recognition of the "unwritten law" has probably increased the restrictiveness of law relating to police use of deadly force (law enacted in 1971).

NEW JERSEY

New Jersey has no statutory law dealing with police use of deadly force in arrest situations. However, a statutory provision does enunciate the penalty for manslaughter and has been interpreted broadly in determinations of negligence and civil liability [N.J. Stat. Ann. Sec. 2A:113-5 (1969)]. Another provision states that all persons who kill in the prevention of felonies will be absolved of civil and criminal liability [N.J. Stat. Ann. Sec. 2A:113-6 (1969)]. Both of these provisions have remained unchanged since their enactment in 1898.

Decisional law has reiterated the well-recognized felony-misdemeanor distinction. Where the fleeing offender is charged with a misdemeanor, the officer has no cognizable right to shoot or kill the fleeing offender, even if there is no other way of preventing escapt [Noback v. Town of Montclair, 33 N.J. Super. 430, 110 A.2d 339 (1956)]. If the officer shoots at such an offender he subjects himself to civil liability as well as criminal prosecution [N.J. 5 2A:170-26].

The officer is justified in killing before arrest one accused of a felony in order to prevent escape, if no other means of apprehension exist [Charge to Grand Jury, 9 N.J.L.J. 167 (O + T 1886)]. In dealing with all offenders resisting arrest, the officer may repel force with force even to the extent of killing offenders if extreme measures are necessary [Wimberly v. City of Patterson, 75 N.J. Super. 584, 183 A.2d 697 (1962)]. This privilege also arises when the officer is threatened with serious bodily injury (Id.). When the threat arises out of resistance to arrest, the officer is not justified in using deadly force unless the injury is a serious and life-threatening one [State v. Hickey, 70 N.J. 623, 57 A. 264 (1904)].

The Court in State v. Williams dealt with the determination of justifiable use of deadly force [State v. Williams, 29 N.J. 27, 148 A.2d 22 (1959)]. Basically, the officer acting in good faith in using force reasonably necessary to overcome resistance will be justified even if he made an erroneous estimate of what was needed. However, wantonness in the use of deadly force will subject the officer to criminal liability. Wantonness means either a consciousness of excessiveness of force or such excess as to reveal an utter disregard for the rights of the offender. In Williams the officer fatally shot an offender in the legs after the offender failed to halt his resistance; the shooting had been done without malice to subdue the offender and was thus justifiable.

NEW MEXICO

Like many other jurisdictions which have codified the common law "felony-misdemeanor" rule, New Mexico statutory law attempts to stipulate those situations in which police homicide is justifiable. Generally, it is justified when ordered by a competent court, when utilized in overcoming resistance to discharge of the legal process, or when necessarily committed to effect the arrest or prevent the escape of a felon [N.M. Stat. Ann. 40-2-2-7 (1964)]. Judging from the statutory language, a felon in fact is required but case law gives one no interpretation on the matter.

Section 40-A-s-7 (1964) represents Chapter 303 Section 207 of the laws of 1963. The 1963 law repealed the sections of the 1929 New Mexico compilation relating to justifiable homicide. Prior to 1963, New Mexico had no stringent state statutory provisions relating to justifiable homicide by the police in arresting felons. In fact, the officer could justifiably kill when necessary "to preserve the peace." ["cowboy standard" in 1929 N.M. Comp. St., 35-318(3)].

Although statutory law prior to 1963 did not comport with the common law rule, New Mexico case law did seem to support it. Greater restrictions were placed upon the use of deadly force against felons under the common law. In State v. Vargas, the court rules that an officer must not kill an escaping misdemeanant, unless the misdemeanant places the officer's life in serious danger. However, dicta in Vargas may be used to support the proposition that an officer may use all the force necessary in affecting the arrest or apprehension of a felon (State v. Vargas, 42 N.M. 1, 74 P.2d 62).

Conclusion: Although New Mexico statutory law did change by recognizing the felony-misdemeanor rule in 1963, case law had already enunciated the common law rule. Statutory recognition of the principle did serve to strengthen its authority. No significant alterations in the law occurred between 1963 and 1976.

NEW YORK

Statutory law dealing with police use of deadly force is found in New York Penal Law, 35.30, sub. (1), (2). The law as expressed in these sections represents a significant departure from prior New York law.

Prior to the 1965 revision of the Penal Law, New York followed the ancient fleeing felon rule. Deadly force could be used to effect the arrest or prevent the escape of any suspected felon. The Penal Law of 1909 had codified this rule in its justified homicide section. Penal Law of 1909, [1055 (3)].

The revision committee of 1965 viewed the common law rule as a barbaric anachronism and accordingly attempted to restrict use of deadly force by law enforcement agents (McKinney's Consolidated Laws of New York Annotated, Box 39, p.116). Their efforts resulted in the promulgation of Section 35.30 (2b) of the original revised Penal Law. This section restricted police use of deadly force in effecting arrest or preventing escape to felonies involving the use or threatened use of deadly physical force. The original revision took effect in 1965. New York Session Laws 1965, Ch. 1030, Art. 35.

New York's original revision thus repudiated the harsh common law rule and replaced it with a more restrictive and humane scheme. By limiting police use of deadly force to situations where deadly force was employed or threatened by the arrestee, the law revision commission sought to exclude non-violent felonies such as forgery and car theft from the list of dangerous and einous violent felonies where deadly force would be merited. This statutory scheme suffered severe criticism, however, on the grounds that it was too narrow and imprecise. Critics pointed to crimes such as rape and muggings where the absence of deadly force in the perpetration of the crime precluded police use of deadly force in effecting arrest for otherwise violent and dangerous acts.

Such criticism of the original revision led to an alteration in N.Y.S. (L. 1968, c. 73). Effective date March 21, 1968. Deadly force was authorized in apprehending for any felony or felony attempt involving the actual, attempted, or threatened use of any physical force.

Up to this point, attention has been centered upon the law regarding police use of deadly force where no immediate danger of bodily harm to the officer is present. Where danger of bodily harm exists, the officer may rely upon his privilege to commit homicide in defense of self or others. N.Y. PL. 35.15. Generally, he may use deadly physical force when he reasonably believes such to be necessary to defend himself or another from what he reasonably believes to be the use or imminent use of deadly force by the arrestee. N.Y. PL 35.30 sub. (1c). Therefore, the officer remains privileged if he can establish the reasonableness of his belief, even if such belief is mistakenly held. This aspect of the law has undergone no significant modification during the period under examination (1949-1979).

The 1965 revision introduced and the 1968 revision retained a section dealing with the use of deadly force against the armed fleeing felon. N.Y. PL 35.30 (1b). Under this section, the officer may use deadly force against one who has attempted or actually committed a felony and who resists arrest or attempts escape from custody armed with a deadly weapon. Again, a reasonable but mistaken belief is allowed. The offender need not actually be armed; the officer must only hold a reasonable belief that he is. In addition, the law does not seem to require that the weapon be used in the felony nor does it require that the offender use the weapon to abet his escape.

To summarize, N.Y.S. present statutory scheme sanctions the use of deadly force by police officers in three discernible but related situations. They are: (1) effecting the arrest or preventing the escape of a felon; (2) self-defense of others, and (3) apprehension of the armed felon. The first category is concerned primarily with the type of felony committed while the second is based on the common law rules of self-defense. The third category incorporates the social protection implicit in the second category but does not attempt to limit the felonies covered.

A further restriction is placed on police use of deadly force out of a concern for the innocent bystander on the city street. The above-mentioned privileges to use deadly force to apprehend felons are limited and superseded by the high standard of care the officer owes to innocent bystanders. An officer cannot act recklessly or negligently with his firearm. N.Y. PL 35.30 sub 2. If he does so and injury or death results to an innocent bystander, civil liability may ensue. Rayano v. City of New York, 138 N.Y.S. 2d 267.

NORTH CAROLINA

In 1973, North Carolina enacted a statute which essentially accepted the Model Penal Code formulation relating to police use of deadly force. Prior to that time, deadly force had not been explicitly dealt with in statute although case law layed down many of the common law principles.

Decisional law attempted to spell out those situations where the use of deadly force was justified. The officer could kill an escaping felon where no other means of apprehension existed [State v. Roane, 13 N.C. 58, 2 Dev. 58 (1828)]. In making an arrest or preventing an escape in the case of a felony or misdemeanor, the officer is justified in using all necessary force, including deadly force, when the subject resists [State v. Brannon, 234 N.C. 474, 67 S.E.2d 633 (1952)]. However, the officer cannot shoot at a fleeing misdemeanant when he is not being forcibly resisted. Also, the use of a pistol in arresting for a misdemeanor represents excessive force [Sossamon v. Cruse, 133 N.C. 470, 45 S.E. 757 (1903)].

North Carolina General Statute Section 15a-401(d)(2) (1973) was designed solely to codify and clarify those situations in which a police officer could justifiably use deadly force [State v. Irick, 291 N.C. 480, 231 S.E. 2d 833 (1977)]. It thus serves the purpose of eliminating much of the ambiguity in decisional law.

It seems clear from the statute that the use of deadly force is severely more restricted than the use of any force by the officer (which only requires a reasonable belief of necessity standard). The use of deadly force is justified only in defense situations or when necessary to prevent the risk of death or serious injury to others, made apparent by the use of a deadly weapon or other dangerous conduct. The provision clearly provides that deadly force may be used to arrest one fleeing from a felony with a deadly weapon. (This is an addition by North Carolina to the other MPC sections.)

Generally, the 1973 law attempts to preclude the arbitrary and careless use of deadly force. Shooting into a crowd of innocent people is forbidden and would certainly constitute criminally negligent conduct. Also under the new law, the reasonableness of the officer's conduct remains a question for the jury and not the officer [Perry v. Gibson, 247 N.C. 212, 100 S.E. 2d. 341 (1957), aff'd, 249 N.C. 134, 105 S.E. 2d 277 (1958)].

NORTH DAKOTA

Prior to 1973, North Dakota had enacted statutes which essentially codified the common law felony-misdemeanor rule [N.D. Cent. Code 12-27-04 (1960)]. Under the common law the police officer could use deadly force against any felony suspect when necessary to effect the arrest. However, the officer could never use deadly force solely to prevent the escape of a misdemeanant.

In 1973, North Dakota enacted a law which constricted the common law by specifying situations where deadly force could be used. As with the common law, deadly force could be used in self-defense, where the officer or a third party was threatened with death or serious bodily injury [N.D. Cent. Code Sec. 12.1-05-07(2)(B) (1975) and State v. Lehman, 44 N.D. 572, 175 N.W. 736]. Although a private individual must seek means of retreat in order to establish self-defense (see State v. Lehman), the officer is under no legal obligation to do so.

Deadly force could also be used when necessary to prevent the escape or effect the arrest of a person who has committed or attempted to commit a felony involving violence [N.D. Cent. Sec. 12.1-05-07(2)(d) (1975)]. If the escape involves the use of a deadly weapon or otherwise causes a serious threat to human life, the use of deadly force will be justified.

In general, North Dakota law has reinterpreted the common law rule of necessity to require that some form of serious danger to life be present before the officer resorts to deadly force. Mere flight of a suspected car thief will no longer justify police use of deadly force. Rather, homicide will be justified where an actual or apparent danger of loss of life or great bodily harm exists [State v. Swift, 53 N.D. 916, 208 N.W. 288].

OHIO

Ohio has no statutory law on police use of deadly force. There is little decisional law in Ohio on this subject.

The key case, State v. Elder, follows closely the common law rules. A police officer may use a firearm even to the extent of taking life if necessary to effect the arrest of a felon [120 N.E.2d 508 (Ohio 1954)]. However, he may not use deadly force except in self-defense to effect an arrest for a misdemeanor (Id.).

In State v. Elder, a police chief fired a gun at a motorist for refusing to stop, even though the motorist had committed no other crime. Although the Court refused to rule upon the situations where an officer might fire his gun on a highway, an acceptance of the common law rule clearly forbade the use of deadly force against a motorist, who if anything had committed a misdemeanor. Deadly force could not be used even if the officer's purpose was to stop the flight and not kill (and the misdemeanant could not otherwise be taken).

The rule which forbids the use of deadly force against misdemeanants applies after the arrest is made. If the misdemeanant breaks away and flees, the rule is the same as before arrest; the officer may not shoot or kill to stop the flight [Reischier v. Meehan, 11 Ohio C.C. 403, 5 Ohio C.D. 416 (1896)].

The only other case which relates to police use of force is Morgan v. Rhodes [456 F.2d 608 (1972)]. In this case, an Ohio appellate court ruled that a statute which under certain detailed circumstances granted an officer immunity from criminal charges arising out of suppression of a riot was not unconstitutional on its face. The appellate court also singled out the policies of the National Guard in the use of deadly force, where other means might be utilized, as a justifiable issue. The Supreme Court of the United States granted certiorari but reversed the Ohio court on the deadly force issue. Justice Burger in delivering opinion of the Court stated that it was not within the province of judicial duties and prerogatives to tamper with the weapons policies of a state military organization. This judicial attitude on the part of the Court can be likened to its viewpoint on police use of deadly force.

OKLAHOMA

A literal reading of the Oklahoma statutory law on justifiable homicide could suggest a rather restrictive interpretation of police use of deadly force. Homicide committed by an officer is justified when "necessarily committed" in retaking or arresting felons (Okla. Stat. Ann. Tit. 21, Sec. 732). Here, the arrest/escape distinction of other state statutes is not emphasized. In both situations, however, a felony in fact is required and the felon must be "fleeing from justice."

Case law has provided a "reasonable belief of felony" standard as justification for police homicide. Dicta in State v. Tumley recognized that reasonable belief is the sufficient standard for arrest where the officer believes an arrestee or escapee is a felon [178 P.2d 635 (1947)]. This opinion built on Ex parte Finney which demanded a showing of reasonable belief, and not mere suspicion, if the officer was to take the resisting arrestee's life [21 Okla. Cr. 103 (1922)].

The restrictions of the common law standard, as it relates to misdemeanants, have been upheld in Oklahoma cases. In attempting to make an arrest, an officer can never kill a fleeing misdemeanant. If he does, he is guilty of murder or manslaughter [Vaughn v. State, 54 Okla. Cr. 59 (1932)]. However, a peace officer attempting an arrest for an offense less than a felony may use deadly force if resistance threatens his own life [Evans v. State, 89 Okla. Cr. 218 (1949)]. This case says nothing about the suspect who, once in custody, escapes and threatens to defeat the officer's pursuit. (If he is a misdemeanant he cannot be killed solely to effect the arrest.)

The reasonable belief of felony standard weakens the strict statutory interpretation mentioned in the first paragraph above. Where evidentiary standards exist they must be clearly elucidated. For example, a police officer will not be justified in killing a person he sought to arrest who fled from him, where the officer acted on indefinite suspicion and no felony in fact had been committed (Ex parte Finney, 21 Okla. Cr. 103 (1922)].

In general, the actual state of the law and the manner in which it guides police conduct remains unclear. A recent Oklahoma case assumed that the police officer's interest in knowing the law governing his conduct relating to the use of deadly force was important enough to demand clear constitutionally adequate guidelines [Smith v. Wickline, 396 F.Supp. 555 (D.C. Okla. 1975)].

Note: The statutory provision relating to justifiable homicide by an officer was not significantly altered by case law during the period 1949-76 [see Comp. St. 1921 Sec. 1953, Okla. Ann. Stat. 21 Sec. 732 (1958)].

OREGON

Prior to 1971, Oregon statutory law was less restrictive than the common law "felony-misdemeanor" rule. The earlier statutes stated that a felon in fact is required to justify the homicide of an arrestee. In the prevention of escape, it provided only that the escapee be charged with a crime. Thus, a person charged with a misdemeanor who attempts to escape could apparently be justifiably killed to prevent the escape [See Ore. Rev. Stat. Sec. 163.100(1)(b), (c) (1968)].

The revision of 1971 limited police use of deadly force to situations where forcible felonies have been committed or attempted [Ore. Rev. Stat. Sec. 161.239 (1)(a), (b) (1971)]. Self-defense serves as a justification with the officer's or a third person's life in danger [Id. Sec. 161.239 (1)(c)(e)]. The statute also provides that non-forcible felonies committed under certain circumstances may call for the use of deadly force. These circumstances could include time of day, weather conditions, neighborhood, and apparent threats [See Wiley v. Memphis P. D. for totality of circumstances].

The major Oregon case in this area of law is State v. Nodine, 259 P.2d 1056 (Ore. 1953). In this case, the court dealt with justifiable homicides committed to prevent felonies and arrest felons. To justify homicide of a felon in order to arrest him, the slayer must show that he stated his purpose, and the felon refused to comply. The rule which justifies homicide to prevent the commission of a felony is limited to situations where the homicide is a necessity (absolute or apparent) and all means of preventing the crime have first been exhausted.

Conclusion: The recent revision of Oregon statute restricted police use of deadly force to forcible or dangerous felonies. Prior to 1971, the law justified police homicide in more situations than the common law.

PENNSYLVANIA

Prior to the revision of 1973, Pennsylvania statute had not dealt explicitly with the police use of deadly force. Decisional law, however, laid down several principles in this area, some of which remained in force after the revision.

Early cases follow closely the common law felony-misdemeanor distinction. In felony cases, an arrestee who fled after he had been taken by the constable could be justifiably killed if necessary [Commonwealth v. Long, 17 Pa. Super 641 (1901)]. While effecting the arrest of a felon an officer could use all force necessary even to the point of killing (even if the arrestee had never been initially taken into custody) [Commonwealth v. Duerr, 158 Pa. Super. 484, 45 A.2d 235(1946)]. However, if deadly force was to be used a felony must have actually been committed; the officer could not rely on mere suspicion that a felony had been committed (Id.). In misdemeanor cases, an officer may not shoot a man fleeing from arrest unless resistance endangers his own life [Commonwealth v. Geer, 20 Pa. C.C. 535, 11 York 163 (1898)].

The revision of 1973 has restricted the use of deadly force to forcible felony offenses or other situations where a person poses serious risk of death or serious bodily injury to others [Pa. Stat. Ann. Tit. 18 Sec. 508 (A)(1)(ii) (1973)]. The law has been altered in two basic ways. First, the scope of offenses under the common law (all felonies) has been narrowed to forcible felonies. Second, the apparent presence of danger to life is singled out as a primary justification for depriving another of life (primary and fundamental interest).

Under the common law in many other jurisdictions, distinctions had been made between the amount of force to be used in escape and arrest. Although no cases in Pennsylvania seemed to emphasize this distinction, the new law eliminates all ambiguity by establishing the same requirements for use of deadly force in arrest and escape situations [Pa. Stat. Ann. Title 18 Sec. 508 (C)(1)].

More recent cases have construed the 1973 statute. Morgan v. Continental Cas. Co. [66 Pa. D and C 2d 77, 96 Dauph 283, (1974)] reiterated the principle that the officer has no right to shoot those who flee from him, except in the case of felonies, where the officer knows the person is a felon. In Wilson v. Warminister T.P. [74 D and C 2d 407, 28 Bucks 162 (1976)] an officer was suspended for firing warning shots into the air. The Court found that the officer reasonably believed that deadly force was necessary to prevent the arrest from being defeated by escape by one who had committed a forcible felony. The requirements of Pa. Stat. Ann. Title 18 Sec. 508 (A)(1)(ii) had thus been met and there was no basis for disciplinary action against the officer.

Phillips v. Ward was a Pennsylvania case brought under a federal civil rights statute involving unconstitutional deprivation of life [42 U.S.C.A. Sec. 1983]. Decedent in Phillips had committed a forcible felony and fled. While being pursued, decedent adjusted his arm but kept his back turned at a distance of 80 feet from the officers. At this point, he was shot and killed. The Court ruled that although decedent had committed a forcible felony, his conduct in escape did not pose a safety threat to defendant or anyone else. Therefore, defendant could not have reasonably believed that deadly force was necessary and was liable under statute governing deprivation of civil rights for resultant deprivation of life [Phillips v. Ward, 415 F. Supp. 976 (D.C. 1976)].

The Phillips case indicates that mere flight of a forcible felon will not justify the use of deadly force. An officer's decision as to the reasonable necessity for using deadly force in such situations will clearly be evaluated in terms of the danger posed by the escapee. If the escapee poses absolutely no danger to the officer and others, a premature execution seems to be clearly forbidden.

RHODE ISLAND

Rhode Island statutory law recognizes the common law standards for police use of deadly force [R.I. Gen. Laws Sec. 12-7-9 (1969)]. The statute sanctions the police officer's use of deadly force against any felony suspect he lawfully attempts to arrest. A reasonable belief standard is posited by the statute but its content has not yet been explicated by Rhode Island courts. In contrast with many other states, statutory law in Rhode Island demands explicitly that the arrestee be cognizant of the fact that an officer is attempting to arrest him before deadly force is utilized. The brief statute leaves unresolved the question of whether a suspect, lacking awareness of the officer's purpose (due to mental deformity) may become the victim of police deadly force.

It was impossible to find any appellate case within the jurisdiction which construed the statute. The law mentioned above was enacted in 1941 and has not been amended or repealed. Since court cases on police use of deadly force are lacking in Rhode Island, the statute must be taken on its face as a statement of the law.

SOUTH CAROLINA

South Carolina has no statutory provisions which relate directly to the police use of deadly force. Therefore, decisional law must be relied upon to provide evidence of the law in this area.

Early South Carolina case law attempted to limit the use of deadly force to situations where the officer's life was endangered. If the party liable to arrest peaceably avoided arrest, he could not justifiably be killed. But whenever the arrestee's conduct placed the officer's life in danger, he could be killed if necessary with excuse [State v. Anderson, 1 Hill 327 (1833)]. Apparently, the above limitation applies to misdemeanants and suspected felons. However, the misdemeanant was accorded special protection; no excessive force was to be used in his apprehension. Even the use of a club might be excessive in particular cases [Golden v. State, 1 S.C. 292 (1869)].

A recent South Carolina case dealt in part with the officer's use of force [State v. Weaver, 265 S.C. 130, 217 S.E.2d 31 (1975)]. The Court in Weaver stated that if a crime or misdemeanor was committed in the presence of the patrolman, he had a legal right to use such force as was reasonably necessary to place the suspect under arrest. Utilizing principles from the earlier cases, reasonable force would approach deadly force only when the officer's life is endangered or he is threatened with serious bodily harm.

SOUTH DAKOTA

South Dakota statutory law represents a codification of the common law [S.D. Comp. Laws Ann. Sec. 22-16-32 (1967)]. The provision clearly requires that the officer use deadly force only against felons; this distinction is clearly explained in other portions of the state code (Sec. 22-1-4). However, no distinction is made between types of felonies. Also, the evidentiary standard is lower than the well-recognized reasonable belief standard. The statute only requires that the police homicide be necessarily committed in retaking felons who have been rescued, escaped, or are fleeing from justice.

Statutory law in this area has not been significantly altered in 100 years. The source of the current legislation was enacted by the legislature of South Dakota in 1877.

No court cases could be found which related directly to the police use of deadly force. Therefore, the statutory provision must be taken on its face as evidence of the law in South Dakota.

Note: Other provisions of the South Dakota code give evidence of a more expansive interpretation of the common law rule. For example, Section 22-16-33 states that homicide is justifiable when necessarily committed in lawfully keeping or preserving the peace and in lawfully suppressing any riot. Chapter 22-10 statutorily defines a riot or unlawful assembly, but gives no indication of the degree of violence or danger engendered by the riot which will justify killing by the police.

TENNESSEE

The use of justifiable homicide by police officers in Tennessee represents a well-recognized statement of the common law principle. A statute in the arrest chapter of the annotated code allows the officer to use all means necessary to effect an arrest [Tenn. Code Ann. Sec. 40-808 (1956)]. This brief statutory principle has been construed by the Tennessee courts within the recognized limits of the felony-misdemeanor rule. For example, the section does not authorize the use of firearms to prevent the escape of a person sought to be arrested for a misdemeanor under the game and fish laws [Johnson v. State, 173 Tenn. 134, 114 S.W.2d 819 (1938)].

In recent years, courts have been forced to determine the constitutionality of statutes embodying the common law principle, partially because of apparent disparities in its application. In Wiley v. Memphis Police Department, the court ruled that the aforementioned section of Tennessee statutory law did not violate the U.S. Constitution, Amendment 14, since no racial bias had been shown to motivate the section's policy [548 F.2d 1247 (6th Cir. 1977)]. Utilizing a common judicial tenet, the judges in Wiley reasoned that a racially disproportionate impact alone would not presumptively establish a statute's unconstitutionality.

Other challenges to the Tennessee statute have been grounded on due processes and equal protection arguments. A federal court examining the Tennessee statute had cause to deal with both arguments [Cunningham v. Ellington, 323 Fed. Supp. 1072 (1971)]. The opinion of the court declares the statute to be sufficiently precise to withstand a void for vagueness challenge (under the due process clause). Also, the classificatory distinction between felons and misdemeanants embodied in the statute was found not to be violative of the Equal Protection Clause of the U.S. Constitution. Since the state had a legitimate interest in dealing with felonious conduct and lesser criminal behavior in different fashions, the statutory distinction is rational on its face.

The Fourteenth Amendment has been interpreted to require that a citizen not be deprived of fundamental civil rights (life) without due process of law. In a case where the decedent attempted to run down a police officer in a stolen car and the officer shot and killed said decedent, the court concluded that no denial of fundamental civil rights without due process had taken place [Smith v. Jones, 379 F.Supp. 201 (1973), aff'd, 497 F.2d 924 (1974)].

In Tennessee, court decisions have attempted to delineate a reasonableness standard for the use of deadly force. This standard seeks to establish a judicial preference for other means of apprehending suspected felons short of killing them, where no clear threat to the officer's life is present. Generally, an officer cannot be justified in killing a felon if he might otherwise have been taken [Love v. Bass, 145 Tenn. 522, 238 S.W. 94 (1921)]. Also, a deputy sheriff was not justified in shooting a fleeing person, who later was found to be a military deserter, where other means were available to prevent the escape [Fults v. Pearsall, 408 F. Supp. 1164 (E.D. Tenn., 1975)].

The reasonableness standard, however, has failed to limit the use of deadly force to those situations which present some immediate threat to the officer's life. Courts have given the police officer wide discretion in using deadly force against burglars who pose no immediate threat to life. In Wiley, the officer's use of deadly force against a fleeing burglar seen prowling in a sporting goods store at night was found to be reasonable and justifiable [548 F. 2d 1247 (6th Cir. (1977)]. A federal court similarly reasoned that a trial court had not erred in concluding that defendant-policemen were justified in using deadly force to apprehend a plaintiff who failed to halt his flight from the scene of a burglary when ordered to do so [Beech v. Melancon, 465 F.2d 425 (1972)].

Conclusion: Tennessee law relating to police use of deadly force recognizes the common law felony-misdemeanor. No distinction is made among felonies; officer discretion is guided by a rather weak reasonableness standard. The Tennessee statute on this subject has not been significantly modified in over 100 years and case law has continually upheld the ancient common law standard.

UTAH

Prior to July 1, 1973, Utah statutory law essentially codified the common law felony-misdemeanor rule. Deadly force could be used when reasonably necessary against any felony suspect whom the officer sought to arrest or prevent from escaping [Utah Code Ann. Sec. 76-30-9 (1953)]. Under this law, the suspect had only to be charged with a felony, and not necessarily be a felon in an arrest but nonescape situation [U.C. 76-30-9(3) (1953)].

Section 76-2-404, the new section of Utah law, was enacted by L. 1973, Ch. 196, Sec. 76-2-404. This section is entitled, "Deadly Force by Peace Officers." The section restricts the use of deadly force to situations where such force is necessary to prevent the arrest from being defeated and the person to be arrested has committed or attempted to commit a forcible felony or is posing serious danger to others around him [Sec. 76-2-404(2)(a)(b)]. No distinction is made concerning the amount of force to be used in escape as opposed to arrest situations.

No Utah appellate cases on this subject could be found.

VERMONT

Vermont statutory law contains a provision which enumerates the situations in which homicide will be justifiable [Vt. Stat. Ann. Tit. 13 Sec. 2305 (1973)]. Title 13 Section 2305(3) states that a peace officer lawfully suppressing a riot or rebellion will be justified in killing. This section merely restates Section 904 of the Code which absolves the officer of criminal and civil liability for killing rioters.

Title 13, Section 2305 also provides justification for homicide committed by the officer in serving legal process and in suppressing opposition against him in the just and necessary discharge of his duty. Statutory law has not been accepted as codifying the common law. Perhaps the phrases "serving legal process" and "suppressing opposition against him" are overbroad in that they make no distinction between misdemeanants and felons.

Vermont law on this topic can be traced directly to the statutes of 1947. However, no significant alteration in the law has taken place in 200 years. The most recent supplement to the annotated statutes indicates no amendments in the law of justifiable homicide.

VIRGINIA

Virginia has no statutory provisions dealing explicitly with police use of deadly force (no statutory law has been in effect during the period). Decisional law in explicating the common law lays particular emphasis upon the "reasonable necessity" standard. This standard was first enunciated in a defense of property case, Montgomery v. Commonwealth [98 Va. 840, 36 S.E. 371 (1900)]. The Court in Montgomery attempted to limit the use of deadly force to: situations of self-defense, the prevention of "great crime," and the "necessities of public duty." Reasonable necessity in the case did not arise merely in the accomplishment of a lawful purpose--such as the prevention of flight alone.

Police use of deadly force was addressed directly in Stinnett v. Commonwealth. The Court ruled that the officer may use force reasonably necessary under the circumstances to effect the arrest or prevent the escape of a felon [55 F.2d 644 (1932)]. Mere flight will not meet the reasonable necessity test under the common law. However, deadly force will be justified as a mechanism for preventing the escape of a felon, when no other means exist for preventing escape.

The Court in Stinnett never decided conclusively whether an unarmed non-dangerous felon could be killed to prevent escape. Deceased in the case had committed three felonies, but his use of a dangerous weapon in escape had been essential in reaching justification for the officer's conduct. Later opinions seem to indicate that justification for killing a fleeing felon will be based upon necessity where no other means exist for effecting arrest [Hendricks v. Commonwealth, 163 Va. 1102, 178 S.E. 8 (1935)].

The common law rule states that an officer is not justified in killing a misdemeanant solely to prevent escape or effect arrest. Life is too precious and valuable an interest to be forfeited for a minor offense. Reasoning from this principle, Virginia courts have refused to justify homicides committed by private individuals in response to profanity and insulting words [see Sims v. Commonwealth, 134 Va. 736, 115 S.E. 382 (1923) and Smith v. Commonwealth, 192 Va. 186, 64 S.E.2d 761 (1951)]. Decisional law also reminds the police officer that he has no more right to kill on slight provocation than have other citizens [Evans v. Commonwealth, 161 Va. 992, 170 S.E. 756 (1933)].

WASHINGTON (state)

Although the statutory law section was repealed and replaced in 1976, the law in Washington relating to police use of deadly force remains essentially a codification of the common law. The officer is allowed to use deadly force (and commit justifiable homicide) when necessary in retaking a prisoner or arresting or recapturing any felony suspect [R.C.W. A16.040 (1976)]. The statutory provision of 1976 has been based on a 1905 Washington law; thus no significant alteration is indicated by statutory law.

Court cases have provided some guidance in this area of law. In keeping with the common law, an officer has no right to maim or kill persons who attempt to escape from arrest, when the offense committed is a misdemeanor [Coldeen v. Reid, 107 Wash. 508, 182 P. 599 (1919)]. The privileges given to officers in protecting society are not extended to private individuals. Private citizens acting in their own responsibility cannot commit an intentional homicide under the same circumstances as peace officers (i.e., suspicion of a felony) [State v. Clarke, 61 Wash.2d 138, 377 P.2d 499 (1962)].

In Reese v. City of Seattle, the Court stated that a police officer may lawfully use deadly force when necessary to effect a felony arrest on reasonable grounds. Justice Hunter cautioned police officers to use deadly force as a last resort--after all other measures had failed. An examination of the facts of the case, however, leads one to believe that cautioning will not control the vast amount of discretion involved with the use of deadly force. The officers were off-duty when they became involved in a brawl with black citizens, many of whom testified to the fact that the officers had made racial slurs. After the fight, one of the officers rushed out of the restaurant and gunned down a black (on the grounds that they were fleeing felons). The Court upheld the officers' conduct [503 P. 2d 64 (1972)] as justifiable.

Conclusion: Statutory law in Washington has not significantly altered in over 70 years, while decisional law has explicated the common law rule.

WEST VIRGINIA

West Virginia has enacted no statutory provisions which deal explicitly with police use of deadly force. However, there is a substantial body of judicial opinion in this area.

Decisional law restates essential aspects of the felony-misdemeanor distinction. The officer may not kill or wound a fleeing misdemeanant to effect his arrest or prevent his escape [City of Princeton ex rel. Barber v. Fidelity and Casualty Co. of N. Y., 188 S.E. 757 (1936). However, public officers may wound, and even kill, fleeing felons if necessary to effect arrest or prevent escape [Thomas v. Norfolk and W. Rye Co., 116 W.Va. 75, 182 S.E. 880 (1936)].

The limitations on the use of force against misdemeanants are inapplicable when the misdemeanant forcibly resists. In arresting the misdemeanant the officer may use a club if the circumstances require [State ex rel. Mullins v. McClung, 123 W.Va. 682, 17 S.E.2d 621 (1942)]. If the officer is assaulted he is not bound to retreat but may meet force with force in accomplishing his official purpose [Town of Nitter Fort ex rel. Queen v. Corbin, 119 W.Va. 324, 193 S.E. 560 (1937). He may kill the misdemeanant if the forceful resistance of the misdemeanant creates a danger of death or great bodily harm for the officer [State v. Murphy, 106 W.Va. 210, 145 S.E. 275 (1928)].

Few other limitations are placed on the conduct of public officers in this regard. As stated above, the officer may wound the fleeing felon to effect his apprehension. Although he is presumed to act in good faith, caution is advised in employing extreme measures such as deadly force [Bumgainer v. Sims, 79 S.E.2d 777 (1954)]. However, no attempt is made to limit the use of deadly force to cases of absolute or apparent necessity -- or more appropriately as a "last resort" measure.

In all cases, a peace officer is presumed to act in good faith as to the extent of force employed. He is the primary judge of the amount of force to be used under the circumstances and his conduct will not be weighed on "golden scales" [Village of Barboursville, ex. rel. Bates v. Taylor, 174 S.E. 485, (1934). In effect, he has a license to kill.

WISCONSIN

The section of Wisconsin statutory law relating to justifiable homicide by a police officer is found in the defenses to criminal liability chapter of the W.S.A. 939.45(4), 939.45 (2). In brief, the law states that the defense of privilege will operate when the actor's conduct is a reasonable accomplishment of a lawful arrest or when he is defending person or property (i.e., during a riot). These provisions find their first statement in the revised statutes of 1848. During the past 100 years, the defense of privileged conduct (which extends to the taking of human life) has been expressed in various parts of the compiled statutes, although it has retained essentially the same content.

Decisional law has interpreted the rather broad statutory provision. When a person is arrested under a civil warrant and attempts to escape from custody, the officer is not justified in using deadly force under the common law or Wisconsin statute [Grosczinski v. Carlson, 157 Wis. 551, 147 N.W. 1018 (1914)]. This principle of case law generally comports with common law restrictions on the use of deadly force against misdemeanants. However, those misdemeanants who threaten the life of the officer through resistance may justifiably be killed [Krueger v. State, 171 Wis. 566, 177 N.W. 917 (1920)]. In Krueger the original charge had been draft resistance, a misdemeanor under federal statute. The draft evaders committed a felony by resisting arrest, and were thus justifiably dealt with as felons (use of deadly force).

The common law allowed the officer or constable to take the life of a fleeing felon if no other means existed to apprehend him. Since all felonies were punishable by death at that time, the police shooting was only a premature execution of an inevitable sentence (See, U. of V. Law Review, 1929, p .529). Realizing that few if any judicial executions are carried out today, Wisconsin judges have attempted to constrict the common law standard in recent cases.

The Court in Thomas v. State reiterated the principle that the user of deadly force must reasonably believe that such force is necessary to prevent imminent death [53 Wis. 2d 433, 192 N.W. 2d 864 (1972)]. Clark v. Zudonis utilized the reasonableness standard stated in Thomas to vaguely outline those circumstances where a police officer would be justified in using deadly force [368 F. Supp. 544 (1973)]. The Court was vague in an admittedly legislative area; however, the opinion in Clark clearly indicated that certain aggravated circumstances and not mere flight of a suspected felon are the requisites for police use of deadly force (See, Saul v. Hutto, 304 F. Supp. 124 for a similar line of reasoning).

Conclusion: Wisconsin statutory law relating to police use of deadly force has not been significantly altered in over 100 years. Generally, the law of deadly force has been viewed as a codification of common law standards. Revisional law in recent years, however, has attempted to indicate restrictions on the use of deadly force against all fleeing suspected felons. Clearly, some form of aggravated felony is mandated and the officer must exhaust other means before resorting to deadly force.